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Letter dated 30 November 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Norway, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

Annex

Letter dated 26 November 2001 from the Permanent Representative of Norway to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I hereby have the honour of enclosing a report from Norway to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested to do so by the Committee.

I should be grateful if you would have the text of this letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Ole Peter **Kolby**
Ambassador
Permanent Representative

Enclosure

Report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

NORWAY

Norway is fully committed to cooperating with the United Nations, its Member States and particularly with the Counter-Terrorism Committee established by the Security Council pursuant to resolution 1373 to combat international terrorism. Norway is fully behind the global efforts to implement Security Council resolution 1373 and all other relevant legal instruments against international terrorism.

Legislative action

Norway adopted on 5 October 2001 the necessary enabling legislation in order to implement Security Council resolution 1373. As of the date of adoption, Norwegian domestic laws satisfy the requirements of resolution 1373. At the same time, Norway implemented in its laws the relevant rules contained in the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999, which Norway signed on 1 October this year with a view to ratifying it in the near future.

Since the Norwegian parliament was not in session when the resolution was adopted, a Provisional Ordinance to this effect was laid down by Royal Decree. A Provisional Ordinance is based on a constitutional provision which authorizes the Government in exceptional cases to enact statutory legislation when the parliament is not in session. According to the Norwegian Constitution, a Provisional Ordinance has the same legal status as an Act passed by the parliament. The Ordinance took effect immediately and will remain in effect until such time as the parliament passes permanent legislation. A proposal will be submitted to the parliament as soon as possible and at the latest during its 2002 spring term.

The Provisional Ordinance makes it a serious criminal offence to finance directly or indirectly terrorist acts and requires the Norwegian authorities to immediately freeze any assets or funds belonging to any person or entity suspected of such acts, as set out in resolution 1373. It also fulfils relevant requirements of the 1999 Convention for the Suppression of the Financing of Terrorism.

An English translation of the Provisional Ordinance and the Royal Decree, which represents the legislative history of the Provisional Ordinance, is enclosed[1].

Norwegian laws have been evaluated to ensure that the requirements of resolution 1373 have been fully met. This includes the General Civil Penal Code[2] - (hereinafter referred to as the Penal Code), the Criminal Procedure Act, the Security Act, the Immigration Act, the Financial Institutions Act and other relevant legislation as well as supplementary regulations. Some of these provisions are explained in further detail below.

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[1] See Annex 2 for the English translation of the Royal Decree and Annex 3 for the English translation of the Provisional Ordinance of 5 October 2001.

[2] See Annex 4.

Executive action

In addition to enacting the necessary legislation, the Norwegian authorities established shortly after the terrorist attacks on the United States on 11 September 2001 an advisory group on anti-terrorism under the auspices of the Ministry of Justice to closely monitor international measures taken to combat terrorist acts. The group is entrusted with examining the legal steps and law enforcement initiatives, including those concerning financial aspects, that are being taken by other states and that should also be considered by Norway. Special attention is being paid to the ongoing processes within the United Nations and the European Union as well as in certain other states.

The group comprises representatives from:

- the Ministry of Justice,
- the Immigration Department of the Ministry of Local Government and Regional Development,
- the Police Directorate,
- the Office of the Director General of Public Prosecutions,
- the Norwegian Police Security Service, and
- the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway - (ØKOKRIM).

The members of the group exchange information related to their respective areas of responsibility and give each other advice on new steps to be taken to fulfil international obligations related to the fight against terrorism.

Other action taken to implement the letter and spirit of resolution 1373

In addition to the advisory group, an inter-ministerial working group has been established to further develop practical measures and enhance coordination between relevant national authorities and agencies in Norway in order to combat international terrorism.

This group includes the members of the advisory group and representatives from the following:

- the Ministry of Foreign Affairs,
- the Ministry of Finance,
- the Banking, Insurance and Securities Commission (Kredittilsynet) and
- the Central Bank of Norway

The aim is to ensure the effective enforcement of the above-mentioned Norwegian ordinance, among other things by enhancing capacity to collect and deal with relevant information or evidence concerning suspicious funds and persons. These administrative and practical measures reflect the high priority being given to the effective implementation of measures to combat international terrorism.

A list of designated contact points in Norway is found in Annex 1 to this report.

Action to enhance international cooperation in the areas covered by resolution 1373

On the global level, Norway has been participating in international cooperation against terrorism for many years, most importantly through the United Nations. Norway is a member of the Security Council and participates in the Sanctions Committees. Norway actively supports the development of global instruments on terrorism in the working group established for this purpose at the General Assembly. Furthermore, Norway is a party to all the global anti-terrorism treaties that are in force and has signed the UN Convention for the Suppression of the Financing of Terrorism with a view to ratification in the near future.

Most significantly, Norway is participating in the task force on cooperation between financial institutions on money laundering and suppression of the financing of terrorism - Financial Action Task Force on Money Laundering (FATF) - under the auspices of the OECD.

On the regional level, Norway is cooperating closely with the European Union, the other Nordic states and other European states on these issues. Norway is part of the Schengen cooperation agreement and takes part in the judicial cooperation within the scope of the Schengen legislation. Norway has signed a cooperation agreement with the European Police Office (EUROPOL). The Norwegian parliament is about to decide on the approval of the agreement.

Norway is also a party to the European Convention on the Suppression of Terrorism and recently signed the second additional protocol to the European Convention on Mutual Assistance in Criminal Matters. Within the Council of Europe, Norway actively supports the proposal for the establishment of a Multidisciplinary Group on Terrorism to deal with criminal, civil and administrative matters and the work being done by the "Reflection Group on developments in international cooperation in criminal matters". The purpose of this work is to ensure international cooperation, find new and more effective means of combating crime linked to terrorism, and coordinate and exchange views between member states on these issues.

In the Nordic Council of Ministers the five Nordic states have a long-standing cooperation in the judicial field. Under the current plan of action, the Nordic cooperation comprises several aspects of criminal law, among them sentencing in cases of serious crime and measures against organized crime. On the operational level, the Nordic Police and Customs Cooperation operates a common pool of liaison officers stationed in different countries around the world, facilitating the rapid exchange of information between law enforcement authorities.

Further comments in relation to the specific questions posed by the Counter-Terrorism Committee:

Operative Paragraph 1

Sub-paragraph (a) - What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)

> *Among specific executive actions in relation to the implementation of resolution 1373, the Banking, Insurance and Securities Commission has issued guidelines to all banks and financial institutions on their duties concerning freezing of assets and reporting of*

suspicious transactions to the the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway (ØKOKRIM), and the Commission conducts on-site inspections to monitor the finance sector and to ensure that the regulations are complied with correctly. One of the main purposes of the guidelines is to raise awareness among employees in the finance sector. The Prosecuting Authority has also issued guidelines to all police offices and departments on how to deal with cases of suspected financing of terrorism. At the same time, these organizations are working through the media to inform the general public about new measures to combat terrorism and how to deal with suspected cases of terrorism.

Other key factors have been the organization and coordination of the efforts to suppress terrorist financing. An advisory group and an inter-ministerial working group have been established, as mentioned above in the introductory remarks. The purpose of the advisory group is to coordinate the police and the prosecution authorities in the implementation of counter-terrorist measures, exchange of information and cooperation between Norwegian and foreign authorities. The working group also includes representatives from the foreign affairs and finance sectors and takes a broad approach to economic crimes and terrorism.

Sub-paragraph (b) - What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

This provision is implemented in sections 2 and 3 of a Provisional Ordinance laid down by Royal Decree by the Norwegian Government on 5 October 2001. These sections overlap and expand the existing criminal liability for funding terrorism under the Penal Code.

Section 2 attaches criminal liability to those who wilfully make available, collect or by other means obtain funds or other financial assets, with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to prepare or carry out a terrorist act. The penalty may either be fines or imprisonment for a term not exceeding 15 years. Accomplices are liable to the same penalty.

Section 3 attaches criminal liability to those who wilfully make funds, financial assets or services available to

- *any person who may, with just cause, be suspected of preparing or perpetrating a terrorist act or funding such an act,*
- *any entity owned by the suspect or over which he has significant influence, or*
- *any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned above.*

The penalty may either be fines or imprisonment for a term not exceeding 10 years. Accomplices are liable to the same penalty.

The provisions set forth in the Ordinance are to be replaced by permanent legislation passed by the parliament. The Ministry of Justice is currently working on a Green Paper dealing with these issues, with a view to submitting a bill to the parliament during its 2002 spring term.

Sub-paragraph (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

The Provisional Ordinance in the first paragraph of section 4 requires the police authorities to freeze any property belonging to the suspect, any entity owned by the suspect or over which he has significant influence, or any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned. Accordingly, when someone is suspected with just cause of preparing or carrying out an act of terrorism or financing of terrorism, the police authorities shall decide to freeze without undue delay any property belonging to the suspect or such persons or entities as are mentioned. Decisions to freeze property are taken by the chief of police, the deputy chief of police or the chief of the Police Security Service.

Freezing property means preventing anyone from having the property at their disposal, directly or indirectly, typically by blocking a bank account. The main purpose of freezing property is to prevent criminal offences. Temporarily freezing all the property of a person is a means of preventing him or her from using the funds to prepare or carry out terrorist acts

If a financial institution suspects that a transaction is linked to terrorism, it shall of its own motion forward any information that may indicate such an offence to ØKOKRIM. The financial institution is required, at the request of ØKOKRIM, to provide all necessary information concerning the possible offence. A customer or third party shall not be informed that such information as is mentioned has been forwarded.

In applying the national procedures for the freezing of assets in cases of terrorism, the need for close cooperation between experts in different fields is paramount. A broad range of specialized knowledge among lawyers, accountants, investigators and experts in communication technology working in various sectors of public service is brought together to combat the financing of terrorism. To this end new patterns of police cooperation have been established between ØKOKRIM, the Central Criminal Investigation Office (KRIPOS) and the Norwegian Police Security Service. A wider reference group under the auspices of the Ministry of Justice also includes the Ministries of Finance and Foreign Affairs, the immigration authorities and the Banking, Insurance and Securities Commission of Norway. The purpose of the reference group is primarily to exchange information on relevant cases.

An example of action taken:

Since early October this year an investigation of a "Hawala bank" system has been carried out by the police authorities. The case is linked to the organizations "Al Baraka", "BARAKAAT" and "DAHABSHIIL". From this system a considerable amount of money was transferred from Norwegian accounts to accounts in Dubai and Djibouti, from where the money was forwarded to recipients in Ethiopia, the United States and, apparently, also to recipients in Somalia. All records on these transfers were stored in a database for two months only, making it indispensable to swiftly seize the relevant data in order to monitor transactions within the "Hawala" system. The transactions from Norway to Dubai and Djibouti have been forwarded as unspecified *economic aid to Somalia without names and addresses attached to them in the files of the sending and receiving banks.*

Sub-paragraph (d) - **What measures exist to prohibit the activities listed in this sub-paragraph?**

Sections 2 and 3 of the Ordinance both criminalize and prohibit the financing of terrorism. The jurisdiction over such acts extends to any persons and legal entities operating within the Norwegian territory or any person or entity operating on behalf of or at the direction of such persons.

Operative Paragraph 2

Sub-paragraph (a) - **What legislation or other measures are in place to give effect to this sub-paragraph? In particular what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?**

This provision is implemented in various provisions under Norwegian law. Norwegian penal provisions, which attach criminal liability to acts committed as part of terrorist acts, indirectly prohibit recruitment to terrorist groups. Some of these provisions will be explained in further detail in the report on sub-paragraph (e). The provisions of the Provisional Ordinance also have this effect. However, the Penal Code also contains a broad range of provisions that more directly target participation in terrorist activity. The Penal Code section 104 (a) attaches criminal liability to any person who forms or takes part in a private organization of a military character or who supports any such organization. If the organization or its members control supplies of arms and explosives, the penalty shall be imprisonment for a term not exceeding six years. A similar provision is to be found in the Penal Code section 330. The Penal Code also contains provisions that attach criminal liability to those who prepare different kinds of terrorist acts or conspire for the purpose of committing terrorist acts, and the offenders may be punished even though concrete terrorist actions never actually take place. Examples of such provisions are to be found in the Penal Code sections 94, 140, 159, 160, 161, 177 and 185, cf. the enclosed copy of the code.

Regarding the obligation to suppress the supply of weapons to terrorists, several provisions are relevant. The Norwegian Export Control Act prescribes a licence for all trade in weapons and military equipment. Such a licence is not granted if it is deemed possible that weapons might fall into the hands of terrorist groups or be used in armed conflicts between belligerent groups. At the multilateral level, Norway participates in all established mechanisms to control trade in arms and to prevent any arms, and in particular weapons of mass destruction, being passed on to terrorist groups.

Sub-paragraph (b) - **What other steps are being taken to prevent the commission of terrorists acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?**

It is the particular responsibility of the Norwegian Police Security Service to exchange information as part of early warning mechanisms. The Police Security Service has *therefore further strengthened its involvement in international police cooperation with a focus on the growing threat of international terrorism. Both budgetary and administrative priorities have been reconsidered in the wake of the recent terrorist attacks. The Police Security Service has developed a broad information strategy alongside its work to monitor relevant groups and gather data on potential connections and networks in Norway and internationally.*

Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

A foreign national is entitled to a residence or work permit in Norway in a number of circumstances. However, if the foreign national has been convicted of a criminal offence, he or she may be refused a permit pursuant to the Norwegian Immigration Act. This also applies to family reunification. A foreign national who has previously been convicted of a criminal offence may also be refused entry or expelled.

If the foreign national has not been previously convicted of a criminal offence, but is suspected or charged of a terrorist act, or of participating in such an act, he or she may be refused entry pursuant to the Immigration Act. This may be considered necessary from the point of safeguarding national security, public order or international relations. The foreign national may thus be refused leave to stay in Norway both on entry and subsequently with reference to rejection provisions.

If a foreign national is rejected, expelled or refused a permit in accordance with the Immigration Act, such person is protected against being sent to any area where he or she may fear prosecution. This applies to all decisions made pursuant to the Act. A situation that may arise is that a state to which it would otherwise be natural to send the foreign national has the death penalty for the criminal offence for which he or she is suspected, charged or convicted.

If a terrorist has applied for asylum, that person will not be given protection. It follows from the Act that protection does not apply when there are circumstances of the kind mentioned in Article 1 F of the Refugee Convention (the exclusion clauses). According to the article, the provisions of the convention shall not apply to any person with respect to whom there are serious reasons to presume that he or she has committed specified acts.

Certain provisions concern nationals who come within the scope of the Agreement on the European Economic Area (EEA). These particular provisions do not constitute a safe haven for any of these nationals.

Sub-paragraph (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.

The obligation set forth in this provision is met partly by section 12 of the Penal Code, which regulates the scope of the legislation. According to section 12 subsection 1 (a)-

(e), the Penal Code is applicable to all acts committed within the realm, whether committed by a Norwegian national or a foreign national. A terrorist act may be prosecuted in Norway even if its effect only occurred or was only intended to be produced abroad. The Norwegian Penal Code is also applicable, inter alia, to all acts committed on installations or constructions placed on the Norwegian continental shelf and used for exploration or storage of submarine natural resources, on any Norwegian vessel, and on any Norwegian aircraft outside Norwegian jurisdiction. The various provisions concerning terrorism and funding of terrorism, which are described above, will therefore contribute to preventing the various acts mentioned in the resolution.

In addition, those who finance, plan, facilitate or commit terrorist acts from Norwegian territory may be extradited according to the Norwegian Extradition Act,-provided the act in question is punishable by deprivation of liberty for a maximum period of more that one year. It may follow from international agreements that extradition may take place even if this condition has not been met.

Acts of terrorism are not regarded as political offences under Norwegian law.

Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Norway has implemented all UN legal instruments against terrorism in its domestic legislation, thus ensuring that the terrorist acts defined in the treaties have been established as serious criminal offences in the Penal Code. The Norwegian National Security Commission, which assessed whether the Norwegian legislation is adequate for preventing and prosecuting terrorist acts in Norway or against Norwegian interests, established in 1993 that Norwegian criminal legislation must be "presumed to include concrete penal provisions that cover any kind of act a terrorist could conceivably commit", cf. NOU (Norwegian Official Report) 1993: 3 Criminal provisions in efforts to combat terrorism, p. 20.

The conclusion is partly based on the fact that most Norwegian criminal provisions have a rather broad scope. For instance, section 233 of the Penal Code, which covers wilful homicide, comprises not only acts of homicide committed by terrorists, but also those by any other person who in any way causes another person's death. In order to ensure that everyone who is convicted of such a felony receives a fair sentence, it is necessary to word the provisions in such a way that they allow the courts to fix a sentence that is adapted to the circumstances in the individual case. This flexibility should not, however, lead to the conclusion that terrorist acts will lead to a mild sentence. The fact that a felony is motivated by a terrorist purpose will certainly be considered by the courts to be an especially aggravating circumstance, leading to appropriate sentencing.

As a frame of reference, and in order to avoid the misconception that terrorist acts are mildly punished in Norway, it should be noted that Norwegian criminal law is in general characterized by moderate maximum penalties, in harmony with Nordic legal tradition. Unless otherwise expressly stated, imprisonment may be imposed for a term *of from 14 days to 15 years (cf. section 17 of the Penal Code). Imprisonment may never exceed 21 years, no matter how grave the felony.*

Bearing this in mind, the following is an account of how Norwegian criminal law deals with terrorist acts, with a focus on provisions that directly target terrorist acts. Most of the provisions of the Penal Code are given such a broad wording that they also cover terrorist acts, cf. for example Chapter 22 Felonies against another person's life, body and health. The provisions that are mentioned in the following are examples showing that terrorist acts are punishable as serious criminal offences. Unless otherwise explicitly stated, all the references are to the Penal Code.

Section 148 states that any person who wilfully causes any fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident which may easily result in loss of human life or extensive destruction of another person's property, shall be liable to imprisonment for a term of not less than two years and not more than 21 years. If the felony leads to any person's death or to serious bodily injury, the term of imprisonment shall be no less than five years. Any person who tries to hinder the prevention of any such act as referred to in section 148 shall, according to section 149, be liable to imprisonment for a term of not less than one year and not more than 15 years. Any person who brings about any such danger as is mentioned in section 148 shall, according to section 150, be liable to imprisonment for a term not exceeding six years, or 12 years if an accident is caused.

According to section 151 (a), any person who on board a ship or aircraft by violence, threats or otherwise unlawfully and forcibly takes control of the vessel or aircraft or otherwise interferes with its sailing or flying, shall be liable to imprisonment for a term of not less than two years and not more than 21 years. The same penalty applies to any person who by similar means unlawfully and forcibly takes control over any installation or construction on the continental shelf. An attempt may be liable to the same penalty as a completed felony.

Section 151 (b) states that any person who by destroying, damaging or putting out of action any data collection or any installation for supplying power, broadcasting, telecommunication or transport causes comprehensive disturbance in the public administration or in community life in general is liable to imprisonment for a term not exceeding ten years. According to section 152, any person who adds noxious substances to reservoirs or drinking water is liable to imprisonment for a term not exceeding five years, and up to 21 years if general danger is thereby caused to human life or health.

Section 152 (a) covers the unlawful handling of plutonium or uranium, and is part of the implementation of the Vienna Convention on the Physical Protection of Nuclear Material of 26 October 1979. Any person who commits such a felony is liable to imprisonment for a term not exceeding four years.

Section 152 (b) deals with various kinds of environmental crime, including methods that can be used by terrorists, for instance pollution of air, water or soil. If any person's death or considerable harm to body or health has resulted therefrom, imprisonment for a term not exceeding 15 years may be imposed. The provision is supplemented by section 153, which covers poisoning of products intended for general use or sale. If the *product cannot be used for the purpose intended without causing death, injury to health or general danger, the perpetrator is liable to imprisonment for a term not exceeding 21 years.*

Unlawful production or possession of bacteriological substances or weapons is covered by section 153 (a), and may lead to imprisonment for a term not exceeding ten years. Spreading of a dangerous contagious disease is punished in the same way, cf. section 154.

Any person who conspires with anyone with the intent to commit or be accessory to any of the felonies referred to in sections 148, 151 (a), 152, 153 or 154 is liable to imprisonment for a term not exceeding ten years, cf. section 159. Section 160 is also especially relevant in the fight against terrorism; any person who publicly gives or offers instruction in the use of explosives or poison as a means of committing felonies is liable to imprisonment for a term not exceeding ten years.

An overview in relation to the UN treaties against terrorism:

***Convention for the Suppression of the Financing of Terrorism**, done at New York on 9 December 1999*

The act of financing of terrorism is established as a serious criminal offence through the Provisional Ordinance of 5 October 2001, described in this report under Operative Paragraph 1, sub-paragraph (b).

***Convention for the Suppression of Unlawful Seizure of Aircraft**, done at The Hague on 16 December 1970*

Section 151 (a) of the Penal Code prescribes a penalty of a maximum of 21 years' imprisonment for the criminal act referred to in the Convention.

***Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, done at Montreal on 23 September 1971*

Section 150 first paragraph (e), of the Penal Code prescribes a penalty of a maximum of six years' imprisonment for the main criminal act referred to in the Convention.

***Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**, adopted by the General Assembly of the United Nations on 14 December 1973.*

The crimes referred to in the Convention are implemented in various sections of the Penal Code, see sections 228, 229, 231, 233 and 222 first paragraph, section 223 first and second paragraphs and section 227, and also section 291 and section 292, cf. section 49 (attempts). The most serious offences have a maximum penalty of 21 years' imprisonment.

***International Convention against the Taking of Hostages**, adopted by the General Assembly of the United Nations on 17 December 1979*

The main provision of the Convention is implemented through section 223, with a maximum penalty of five years' imprisonment, and section 227, cf section 49 (attempts).

***Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 26 October 1979*

The main provision of the Convention is implemented in the Penal Code Section 152 (a), with a maximum penalty of 21 years' imprisonment, cf its second paragraph and section 148.

***Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, done at Montreal on 24 February 1988*

The criminal acts are covered by the section referred to under the 1971 Montreal Convention.

***Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**, done at Rome on 10 March 1988*

The main provision of the Convention is implemented in section 151 (a) and 150 first paragraph (e) of the Penal Code, with a maximum penalty of 21 years' imprisonment.

***Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf**, done at Rome on 10 March 1988*

The main provision of the Protocol is implemented in section 151 (a) and section 150 first paragraph (e) of the Penal Code, with a maximum penalty of 21 years' imprisonment.

***International Convention for the Suppression of Terrorist Bombings**, adopted by the General Assembly of the United Nations on 15 December 1997*

The main provision of the Convention is implemented in Section 148 of the Penal Code, with a maximum penalty of 21 years' imprisonment.

Sub-paragraph (f) - What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

In the field of police cooperation Norway is working to strengthen the existing mechanisms for exchanging information with the services of other states and is forging new links and patterns of cooperation, in particular with regard to ciphered communications.

Norway is a party to the European Convention on Mutual Legal Assistance of 20 April 1959 and the Schengen Cooperation Agreement with the European Union of 18 May 1999.

Norway is a member of the ICPO-Interpol and the Schengen Cooperation and recently signed a cooperation agreement with the European Police Office (EUROPOL) as mentioned above.

In addition to this the Nordic Police and Customs Cooperation operates a common pool of liaison officers stationed in different countries around the world, facilitating the rapid exchange of information between law enforcement authorities.

__Sub-paragraph (g)__ **- How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?.**

Norway shares a common external border with member states of the European Union through the Schengen Cooperation Agreement. Border controls are performed according to the Immigration Act and standards set by the Schengen legislation. As part of the Schengen cooperation, the procedures for issuing visas and residence permits have been strengthened recently.

The Norwegian police have instructions to check information against the Schengen Information System (SIS) whenever an identity control is carried out. This way, all persons stopped for police control, including Norwegian nationals, will be checked against information in the SIS.

At the airports the airline companies have, in accordance with an understanding with the Civil Aviation Authority, tightened the control of passengers. ID control is carried out on all passengers at check-in or boarding, or both. Both hand luggage and baggage for check-in are thoroughly controlled.

During the past few years great emphasis has been put on securing Norwegian passports against forgery. Passports are produced under strict supervision and furnished with up-to-date security details.

Any person may be granted refugee status or a residence permit on scrutiny and clearance pursuant to the Immigration Act, and any refugee who is granted lawful residence in the realm shall on application be granted a refugee's travel document unless there are particular reasons for denying him asylum.

If there is suspicion of misuse, fraud, etc., the travel document may be withdrawn in accordance with the provisions of the Immigration Act set out below:

Section 68. Withdrawal of a refugee's travel document

Any refugee's travel document shall be withdrawn where

a) the holder is rejected pursuant to section 27 first paragraph (i) or (j) of the Act or section 30 second paragraph (a) of the Act,

b) the holder is expelled pursuant to section 29 first paragraph (d) of the Act or pursuant to section 30 second paragraph (a) of the Act,

c) the holder obtains the travel document of his country of origin, cf. section 19 third paragraph of the Act,

d) the holder loses his status by acquiring Norwegian nationality or any foreign nationality or in any other way, cf. section 18 second paragraph of the Act,
e) the responsibility for the holder passes to another state in pursuance of the Council of Europe Agreement of 16 October 1980 on the transfer of responsibility for refugees,
f) the holder has with statutory authority been refused leave to depart from the realm, or
g) exit will be incompatible with any judgment, order or other decision made by any public authority.

Any refugee's travel document may be withdrawn where
a) any such circumstance arises as is mentioned in section 65 second paragraph (a), (b) or (e),
b) its appearance or content has been altered without lawful authority,
c) it is damaged or is in any other way unfit for continued use,
d) the photograph or description no longer corresponds to the holder's appearance,
e) it is found in the possession of any unauthorized person, or
f) the holder no longer has leave to reside in the realm.

Provisional withdrawal is undertaken by the police, any foreign service mission or any other public control authority, who will then refer the matter to the Directorate of Immigration for a decision.

Where any refugee's travel document is withdrawn pursuant to the first paragraph (f) or (g) or to the second paragraph (a) to (e), the Directorate of Immigration informs the police authority concerned, who inscribes the holder's work permit or residence permit on a separate document from which it shall be apparent that the holder does not have a valid refugee's travel document. Any limitation or condition shall be apparent from the inscription.

Operative Paragraph 3

Sub-paragraph (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

Norway is a long-term member of the ICPO-Interpol, which has committed itself to intensifying efforts to fight terrorism by a special resolution adopted by the Interpol General Assembly on 25 September 2001.

Furthermore Norway is taking the final steps, given the parliament's approval of the cooperation agreement, to establish an operational relationship with the European Police Office (EUROPOL). This will enable a Norwegian liaison officer to be posted at EUROPOL's headquarters for purposes of information sharing and to assist in operational investigations.

Sub-paragraph (b) - What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

Being a party to the Schengen cooperation agreement, Norway also takes part in the judicial cooperation within the scope of the Schengen legislation, facilitating simplified procedures for exchanging letters rogatory and other requests for legal assistance between judicial authorities. Norway has also signalled its readiness to cooperate with the European Union on further measures against international terrorism.

Sub-paragraph (c) - **What steps have been taken to cooperate in the areas indicated in this sub-paragraph?**

Norway has signed a cooperation agreement with the European Police Office (EUROPOL). Due to recent events EUROPOL has been given new tasks in the fight against terrorism. Norway is in the process of establishing a liaison officer in EUROPOL headquarters in The Hague in order to accelerate the exchange of information and assist in operational investigations.

Sub-paragraph (d) - **What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?**

Norway has signed and ratified all the global legal instruments against international terrorism that are in force and also the European Convention against Terrorism. Having already implemented the operative parts in its domestic legislation, Norway signed the International Convention for the Suppression of Financing of Terrorism on 1 October this year and intends to ratify in the near future.

Sub-paragraph (e) - **Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.**

Norway has implemented the international treaties against international terrorism, see Operative Paragraph 2, subparagraph (e), and has also followed up on all relevant Security Council resolutions against international terrorism and regimes providing support to terrorists.

Sub-paragraph (f) - **What legislation procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.**

According to the Norwegian Immigration Act any application for asylum pursuant to the said Act is to be presented in writing or orally to the police. Any passport or other travel document of which the applicant is in possession must, according to the provisions of the Act, be submitted together with the application for asylum. The same applies to the applicant's spouse or cohabitant and any children.

The police are required to clarify the asylum seeker's identity and travel route, whereafter the case is handled by the Directorate of Immigration. The Norwegian Police Security Service cooperates with the Directorate of Immigration in individual cases.

The Directorate is responsible for interviewing persons who seek asylum in Norway. During the interview the asylum seeker is obliged to give all necessary information regarding the asylum claim. The Legal Department in the Directorate is made up of sections that are responsible for different geographical areas to ensure knowledge of conditions in the applicant's country of origin.

The UN Convention relating to the Status of Refugees, Article 1F, is incorporated into the Immigration Act. Consequently, persons who commit terrorist crimes are excluded from refugee protection in Norway. Furthermore, there is a general provision in section 15 of the Immigration Act concerning persons considered to be a danger to national security.

Sub-paragraph (g) – What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

> *As described above the Directorate of Immigration cooperates closely with the Norwegian Police Security Service in cases where there is reason to believe someone is trying to take advantage of the institution of asylum. To enhance the thoroughness of this process, especially due to today's situation, strengthened procedures have been put in place. The Norwegian Police Security Service receives the registration forms of all new asylum seekers for screening.*
>
> *If the Directorate finds when assessing a case that there is reason to believe a terrorist has applied for asylum, the case is sent to the Norwegian Police Security Service for evaluation.*

3.3. States may include in their reports additional relevant information, including information on the issues covered by paragraph 4 of resolution 1373 (2001). They may also include general observations on the implementation of the resolution and outline any problems encountered.

> *The fight against international terrorism is closely connected with other efforts to eliminate international organized crime, drug trafficking and money laundering. Norway is fully committed to a global approach to these issues. Norway has signed the Convention on Transnational Organized Crime (CATOC), and will ratify the Convention and its Protocols as soon as the necessary enabling legislation is in place. Norway has ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and cooperates on issues regarding money laundering within the framework of the UNDCP, the EU and the OECD Task Force on Money Laundering (FATF), which at its meeting in Washington on 29 and 30 October 2001 decided to expand its focus to include efforts to combat terrorist financing.*

ANNEXES:

1. List of designated contact points
2. Royal Decree on the implementation of SC resolution 1373
3. Provisional Ordinance of 5 October 2001 on the financing of terrorism
4. The Norwegian General Civil Penal Code

Annex 1

Designated contact points

NORWAY

1. Contact point in the Norwegian permanent mission to the U.N.:

The Permanent Mission of Norway to the United Nations
Contact person: Ambassador Wegger Strømmen
Address: 825 Third Avenue, 39th Floor, New York N. Y. 10022
Telephone: +1 212 421 0280
Telefax: +1 212 688 0554
E-mail: delun@mfa.no

2. Contact points in Norway:

2.1 Principal contact point:

Ministry of Foreign Affairs
Department for Legal Affairs
Visiting address: 7. juni plassen 1, Victoria Terrasse, Oslo
Postal address: P. O. Box 8114 Dep, 0032 Oslo, Norway
Telephone: +47 22 24 36 00
Telefax: +47 22 24 95 80/81
E-mail: rettsavd@mfa.no

Functions: Main contact point, general enquiries, coordinating functions, responsibility for reporting to the UN's Counter-Terrorism Committee

2.2 Legal implementation and law enforcement:

Ministry of Justice
Police Department
Visiting address: Akersgaten 42 (Blokk H), Oslo
Postal address: P. O. Box 8005 Dep, 0030 Oslo, Norway
Telephone: +47 22 24 90 90
Telefax: +47 22 24 95 30
E-mail: postmottak@jd.dep.no

Functions: Legal implementation of SC Res 1373 and other relevant instruments, law enforcement related to anti-terrorist measures on the ministerial level, national contingency planning, co-operation with other national and regional bodies on the exchange of information and joint efforts to combat terrorism

National Police Directorate
Visiting address: Henrik Ibsens gate 10, Oslo

Postal address: P. O. Box 8051 Dep, 0031 Oslo, Norway
Telephone:+47 23 36 41 00
Telefax: +47 23 36 41 40
E-mail: politidirektoratet@pod.politiet.no

Functions: Head of national police operations, operational aspects of the implementation of SC Res 1373 and other relevant instruments, law enforcement related to anti-terrorist measures on the ministerial level, national contingency planning, co-operation with other national and regional bodies on the exchange of information and joint efforts to combat terrorism, internationalpoliceco-operation

Norwegian Police Security Service
Head Office
Visiting address: Politihuset, Grönlandsleiret 44, Oslo
Postal address: P. O. Box 2970 Töyen, 0608 Oslo, Norway
Telephone: +47 22 66 82 00
Telefax: +47 22 66 81 49
E-mail: pot@pot.no

Functions: Investigation and prosecution of matters related to financing of terrorism, issue orders to freeze assets

The National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway – ÖKOKRIM
Visiting address: C. J. Hambros plass 2 B
Postal address: P. O. Box 8193 Dep. 0034 Oslo, Norway
Telephone: +47 23 29 10 00
Telefax: +47 23 29 10 01
E-mail: okokrim@okokrim.no

Functions: Contact point for banks and other financial institutions in criminal matters, recipient of reports on account data and financial movements in relation to financing of terrorism, issue orders to freeze assets

Ministry of Local Government and Regional Development
Department of Migration
Visiting address: Akersgaten 59 (R5), Oslo
Postal address: P. O. Box 8112 Dep, 0032 Oslo, Norway
Telephone: +47 22 24 90 90
Telefax: +47 22 24 95 48
E-.mail: postmottak@krd.dep.no

Functions: Immigration, refugee and asylum policy, laws and regulations in relation to the protection of asylum seekers and refugees

2.3 Banking law and management of financial operations:

The Ministry of Finance
Financial Markets Department
Visiting address: Akersgaten 40, Oslo

Postal address: P. O. Box 8008 Dep, 0030 Oslo, Norway
Telephone: +47 22 24 45 31
Telefax: +47 22 24 45 35
E-mail: postmottak@finans.dep.no

Functions: Structural and legal matters concerning the banking sector and financial operations, international co-operation and planning

The Banking, Insurance and Securities Commission of Norway
Visiting address: Östensjöveien 43, Oslo
Postal address: P. O. Box 100 Bryn 0611 Oslo, Norway
Telephone: +47 22 93 98 00
Telefax: 22 63 02 26
E-mail: post@kredittilsynet.no

Functions: Monitor the Norwegian financial markets and financial institutions, issue warnings and forwarding lists i.a. from the UN sanctions committee to financial institutions, issue orders to freeze assets

Annex 2

ROYAL DECREE

Provisional Ordinance prohibiting the financing of terrorism, etc.

1. Introduction

The appended draft of a provisional ordinance contains provisions that make the financing of terrorist acts a criminal offence, cf. sections 2 and 3. The prosecuting authority is also required to freeze any property that is linked in certain specified ways to terrorist acts, cf. section 4, and section 5, which contains procedural rules. Pursuant to section 7, the ordinance enters into force immediately. It will remain in force until it is replaced by new statutory provisions or repealed for other reasons. If it is not repealed, it will lapse at the dissolution of the 146th session of the Storting (Parliament).

2. Background

The terrorist attacks on the USA on 11 September 2001 constitute the most serious attack on a state and its population ever carried out by a network of terrorists. The international community immediately and unanimously expressed its shock and sympathy for those affected by the tragedy and strongly condemned the terrorist acts.

The UN Security Council convened the following day, 12 September, and adopted resolution 1368, which confirms that the attacks constitute a threat to international peace and security. The resolution refers explicitly to the right of individual or collective self-defence in accordance with the UN Charter. When the existence of any threat to international peace and security has been established, the Security Council may take binding decisions in accordance with Chapter VII of the UN Charter.

The Security Council adopted resolution 1373 on 28 September 2001. The resolution is in accordance with Chapter VII of the UN Charter and is binding under international law. Decisions made in UN bodies are not, however, automatically binding on Norwegian persons and entities. This means that Norway must implement the provisions of the resolution in Norwegian law in order to fulfil its obligation under the UN Charter. Norway's implementation of the provisions of the resolution is considered closely in the following.

Resolution 1373 follows up resolution 1368 and previous resolutions against terrorism, and contains a number of concrete measures for combating international terrorism. The implementation of the agreed measures is to be monitored by a newly established committee of the Security Council consisting of all the members of the Council, including Norway. All states are to report to the committee within 90 days of the date of adoption of the resolution.

The measures set out in the resolution particularly concern ways of preventing the financing of terrorist acts, and must be viewed in connection with the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 (Financing Convention). The convention was signed by Norway on 1 October 2001, pursuant to the Royal Decree of 28

September 2001, and will enter into force 30 days after it has been ratified or acceded to by 22 states.

Because of the close connection between the convention and the resolution, it is most expedient to implement them both in domestic law at the same time. Sections 4 and 5 provide a more detailed account of the main points in the resolution and the convention respectively.

3. The implementation procedure

It is proposed that the provisions that are to implement resolution 1373 and the Financing Convention be laid down by provisional ordinance. The Ministry submits that this is provided for in Article 17 of the Constitution, since the Storting (Parliament) has not been opened by The King in accordance with Article 74 of the Constitution at the time when the provisional ordinance is issued. By means of a provisional ordinance, a penalty may be prescribed for violating the provisions that is in accordance with resolution 1373. This may not be done by issuing regulations pursuant to Act of 7 June 1968 No. 4 relating to implementation of binding decisions of the UN Security Council. A proposition will be submitted at a later stage to the 146th session of the Storting concerning the implementation in law of the provisions of resolution 1373 and the Financing Convention in which the final wording of the implementation provisions will be carefully considered. In connection with this, information on how the convention and the resolution have been construed and followed up in other countries will also be obtained.

4. The main points in Security Council resolution 1373

The resolution is made up of two parts: one that is internationally binding and one that is not. In paragraphs 1 and 2 the Security Council decides that all states shall take concrete measures. In the following paragraphs (3 to 9), the states are called on to take a number of measures to intensify the fight against international terrorism, to cooperate at all levels to achieve this end, and to become parties to and implement all relevant conventions relating to terrorism.

Paragraph 1 of the resolution provides that all states shall prevent and suppress the financing of terrorist acts. It also provides that the financing of terrorism shall be made a criminal offence, i.e. when any person wilfully provides or collects funds, directly or indirectly, with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts. The penal provision shall apply to such acts committed by Norwegian nationals and any such acts carried out within Norwegian territory.

The authorities shall freeze without delay funds, financial assets and other economic resources belonging to or controlled by any person or entity that commits or attempts to commit terrorist acts or that participates in or facilitates the commission of terrorist acts. The same applies to persons and entities acting on behalf of, or at the direction of, such persons. Any funds derived or generated from property owned or controlled by such persons or associated persons and entities shall also be frozen.

A prohibition shall also be laid down against making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons or entities that commit or attempt to commit or facilitate or participate in the commission of terrorist acts, or other associated persons and entities. The prohibition shall apply to Norwegian nationals and any such acts committed within Norwegian territory.

Paragraph 2 of the resolution provides that all states shall refrain from providing any form of support to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists. All necessary steps shall be taken to prevent the commission of terrorist acts, including by provision of early warning to other states by exchange of information. Those who finance, plan, facilitate or commit terrorist acts shall be denied safe haven.

Those who finance, plan, facilitate or commit terrorist acts against other states or their citizens shall be prevented from using their respective territories for such purposes. Steps shall also be taken to ensure that any such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts.

The greatest measure of assistance shall be afforded to others in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts. This also includes assistance in obtaining evidence the authorities have in their possession and that is necessary for the proceedings.

The authorities shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents.

5. The main substance of the Financing Convention

While the other terrorist conventions are concerned with the commission of various terrorist acts, the purpose of the Financing Convention is to combat the financing of such acts. The convention requires the states parties to criminalize the financing of any act which constitutes an offence within the scope of one of the nine international treaties on the combating of terrorism listed in the annex. Moreover, the states parties undertake to make it a criminal offence to finance any act intended to cause death or serious bodily injury to a civilian, when the purpose of such act is to compel, intimidate or coerce a government or an international organization into doing or abstaining from doing any act. The states parties shall take measures to identify, seize and, if appropriate, freeze any funds believed to be allocated for financing such terrorist acts.

The *Preamble* expresses the states parties' deep concern about the escalation of acts of terrorism in all its forms and emphasizes the importance of preventing the financing of terrorist activity in order to eliminate it.

Article 1 defines various terms as they are used in the convention.

Article 2, paragraph 1 and paragraphs 3 to 5, describe what constitutes offences to be governed by the convention. Paragraph 1 applies to any person who by any means provides or collects funds for terrorist purposes, terrorist organizations or persons intending to commit terrorist acts. According to subparagraph a, the terrorist acts in question are those that constitute an offence within the scope of one of the treaties listed in the annex, e.g. aircraft hijacking and terrorist bombings. According to subparagraph b, they include any other act intended to cause death or serious bodily injury to a civilian for the purpose of intimidating a population or to compel, threaten or coerce a government or an international organization into doing or abstaining from doing any act.

According to paragraph 2, a state party that is not a party to a treaty listed in the annex is exempt from the provisions of such treaty (and accordingly from Article 2, paragraph 1, subparagraph a).

Paragraph 3 specifies that for an act to constitute an offence set forth in paragraph 1, it is not necessary that the funds provided or collected were actually used to commit a terrorist act.

According to paragraphs 4 and 5, an attempt to commit an offence as set forth in paragraph 1 and several forms of complicity therein shall be considered to be a completed offence. Several persons acting with a common purpose may also contravene paragraph 1.

Article 3 provides that the convention shall not apply in the presumably rare cases where the offence must be regarded as having been committed within a single state and solely by nationals of that state who are also present in the territory of that state, and where no other state has a basis under Article 7, paragraph 1 or 2, to exercise jurisdiction.

According to *Article 4*, the states parties shall adopt such measures as may be necessary to establish as criminal offences under their domestic law the offences set forth in Article 2, and to make those offences punishable by appropriate penalties which take into account the grave nature of the offences.

Article 5 requires the states parties to take the necessary measures to enable a legal entity to be held liable when a person has, in the capacity of member of the board or part of the management of that legal entity, committed an offence set forth in Article 2. Such legal entity may be subject not only to criminal liability, but also to civil or administrative liability. Such liability is incurred without prejudice to any criminal liability of individuals having committed the offences. The states parties shall ensure that such legal entities are subject to effective and proportionate sanctions that are so stringent that they have a preventive effect.

Article 6 requires the states parties to ensure that criminal acts within the scope of the convention are not justifiable or defensible under domestic legislation on the grounds that they are motivated by political, philosophical, ideological, religious or similar considerations, or by other considerations of a racial, ethnic or other similar nature.

Article 7, paragraph 1, requires that each state party shall take the necessary measures to establish its jurisdiction over the offences set forth in Article 2 when the offence is committed in the territory of that state, by a national or nationals of that state or on board a vessel flying the flag of that state or an aircraft registered under the laws of that state at the time the offence is committed. Paragraph 2 recognizes each state's right to establish its jurisdiction in a number of other cases, e.g. when the offence resulted in terrorist activity directed towards that state or a national of that state. Paragraph 3 is a notification provision. Paragraph 4 is intended to ensure either that offenders are extradited to a state that has jurisdiction in accordance with paragraph 1 or 2, or that the state in whose territory the offender is present itself has jurisdiction. Paragraph 5 provides that states shall strive to coordinate their actions, and paragraph 6 defines the relationship to general international law and any jurisdiction established in accordance with domestic law.

Article 8 requires the states parties to take appropriate measures for the identification, detection and freezing, seizure or confiscation of any funds used or allocated for the purpose of committing the offences set forth in Article 2, as well as the proceeds derived from such offences. The states parties shall consider utilizing the funds confiscated to assist victims of terrorism.

Article 9 concerns the obligation to make an investigation for the purpose of prosecution or extradition of any person suspected of any offence set forth in Article 2. Paragraphs 3 to 6 concern the rights of any person who has committed or who is alleged to have committed such offence and other states' right to information.

Article 10 requires the states parties to deal with any cases that fall within their jurisdiction without delay.

Article 11 provides that the offences set forth in Article 2 shall be deemed to be extraditable offences in any extradition treaty existing between any of the states parties before the entry into force of the convention, and that these offences shall be included in every such treaty that is subsequently concluded between them. According to paragraphs 2 to 4, the convention itself may serve as a legal basis for extradition in certain specified cases.

Article 12 sets out criteria for – and lays down provisions concerning – mutual assistance in connection with criminal investigations, criminal proceedings or extradition proceedings in respect of the offences set forth in Article 2.

Article 13 prohibits the states parties from categorizing the offences set forth in Article 2 as "fiscal" offences and from refusing a request for mutual legal assistance or extradition on the sole ground that it concerns a "fiscal" offence.

Article 14 prohibits the states parties from categorizing the offences set forth in Article 2 as "political" offences and from refusing a request for mutual legal assistance or extradition on the sole ground that it concerns a "political" offence.

Article 15 specifies that the convention shall not prejudice a state party's right to refuse a request for extradition or mutual legal assistance if there are substantial grounds for believing that any person who is alleged to have committed an offence set forth in Article 2 will in reality be prosecuted or punished on account of his race, religion, nationality, ethnic origin or political opinion.

According to *Article 16*, a person who is being detained or is serving a sentence in the territory of one state party may be transferred to another state in order to testify or otherwise provide assistance in the investigation or prosecution of offences set forth in Article 2.

Article 17 requires the states parties to afford an alleged offender fair treatment in conformity with the law of the state concerned and international human rights law.

Article 18 requires the states parties to cooperate on measures to prevent and counter preparations for the commission of offences set forth in Article 2. Information shall be exchanged and a number of other measures shall be considered. Article 18 also requires states parties to adapt their domestic legislation, if necessary, inter alia in order to ensure that banks are required to report any suspicious transactions.

Article 19 requires states parties where an alleged offender is prosecuted to communicate the final outcome of the proceedings to the UN Secretary-General, who shall transmit the information to the other states parties.

Article 20 requires the states parties to respect the sovereignty of other states and the principle of non-intervention in the domestic affairs of other states.

Article 21 specifies that nothing in the convention shall affect other rights or responsibilities of states under international law.

Article 22 specifies that the convention does not entitle a state party to undertake in the territory of another state party any exercise of jurisdiction that is in conflict with the latter's domestic law.

Article 23 describes the conditions and procedures for adding relevant treaties to the annex to the convention, thereby making the financing of more acts a criminal offence in accordance with Article 7, paragraph 1, subparagraph a.

Article 24, paragraph 1, prescribes first negotiations, and then arbitration in the event of a dispute. According to paragraph 2, the states parties may make a reservation with regard to the provisions of paragraph 1.

Article 25 lays down provisions concerning signature, ratification and accession. The convention is open to signature and subsequently subject to ratification, acceptance or approval.

Article 26 provides that the convention shall enter into force 30 days after it has been acceded to or ratified by 22 states.

Article 27 concerns the states parties' right to denounce the convention. Any state party may denounce the convention. It will then cease to be in effect for the state party concerned one year following the date on which such notification is given.

Article 28 specifies the authentic languages of the convention and prescribes that it shall be deposited with the UN Secretary General.

6. The relationship between the ordinance and other provisions of Norwegian criminal law and criminal procedure that apply to terrorism

The provisions of the ordinance must be viewed in connection with the other Norwegian penal provisions that apply to terrorist acts. Penal provisions with a more general scope, including provisions relating to homicide, threats and kidnapping, would also cover such acts committed as part of terrorist acts committed as part of terrorist activity. The National Security Commission, which assessed whether our legislation is adequate for preventing and prosecuting terrorist acts in Norway or against Norwegian interests, established in 1993 that Norwegian criminal legislation must be "presumed to include concrete penal provisions that cover any kind of act a terrorist could conceivably commit," cf. NOU (Official Norwegian Report) 1993:3 Criminal provisions in efforts to combat terrorism, p. 20.

Many of the issues dealt with by the National Security Commission were also considered by the Commission for Reviewing Police Investigation Methods. The proposals of both commissions were followed up in Proposition No. 64 (1998-99) to the Odelsting and enacted by Act of 3 December 1999 No. 82. Among other things, section 104 a of the Penal Code (participation in an organization whose aim is to disturb the social order by illegal means) was added to the list in section 12, first paragraph, item 4, of the Penal Code. This means that the offence may be prosecuted in Norway even if it has been committed by a foreign national abroad. Moreover, the criminal liability for preparations (the stage prior to a criminal attempt) was extended to apply to conspiracy for the purpose of sabotage, gross deprivation of liberty, gross bodily injury and homicide. The penalty is imprisonment for a term not exceeding 10 years, which means that extraordinary methods of investigation may be used (see below).

During the past few years the Criminal Procedure Act has been amended several times so that it gives the police and the prosecuting authority the right to use more effective methods when investigating serious crimes; terrorist acts are a typical example of such crimes. Proposition No. 64 (1998-99) to the Odelsting followed up the proposals set out in NOU 1993:3 and NOU 1997:15 Methods of investigation for combating crime. The proposals were enacted in the Act of 3 December 1999 No. 82. Among other things, the right to carry out telephone control and other interception of communications was extended. New secret enforcement measures were introduced: secret searches, secret seizures and secret surrender orders. The right to use technical tracing methods was also made statutory and extended.

The legislative amendments concerning investigation methods must be viewed in connection with other legislative amendments intended to facilitate the response to terrorist acts. On the basis of the proposals set out in Proposition No. 8 (1998-99) to the Odelsting, more extensive confiscation provisions were introduced by Act of 11 June 1999 No. 39, cf. sections 34 ff. of the Penal Code. These provisions make it easier to seize proceeds from criminal offences, such as, for example, funds collected to finance terrorist acts, cf. section 2 of the ordinance.

Survivors of terrorist acts may be subject to threats and reprisals. The new provisions concerning anonymous testimony, which were enacted in accordance with proposals set out in Proposition No. 40 (1999-2000) to the Odelsting, may therefore prove to be important in prosecuting terrorist acts such as aircraft hijacking and homicide. The police can now guarantee sources complete anonymity, which will make it possible for them to obtain other evidence of terrorist acts. People may also testify anonymously in a court of law, and several amendments have been made to improve the protection of witnesses who do not testify anonymously. The Ministry of Justice is also working on amendments that will make it possible for persons who are subject to serious intimidation to change their identity and otherwise enhance protection of personal data.

Even though existing Norwegian penal provisions provide a good basis for prosecuting terrorist acts, in the light of the terrorist attacks against the USA there is good reason to consider whether there is a need for additional amendments that will make it possible to combat terrorism more effectively. A government-appointed commission has been charged with assessing whether the police should be allowed to use new crime prevention methods, methods that currently may only be employed when there is just cause for suspecting that a criminal offence has been committed. The commission's work and the follow-up process could be very important in terms of preventing terrorism. The Ministry of Justice will also consider whether there is a need for additional statutory amendments.

7. Relationship to current sanctions

On 15 October 1999 the Security Council adopted resolution 1267 and on 19 December 2000 resolution 1333, which concern the implementation of sanctions against the Taliban. The sanctions have been implemented in Norwegian law by regulations laid down pursuant to the Royal Decree of 22 December 1999 and regulations pursuant to the Royal Decree of 19 January 2001 amending these regulations. Both of these regulations have been laid down pursuant to Act of 7 June 1968 No. 4 relating to the implementation of binding resolutions of the UN Security Council. Section 2 of the regulations includes provisions that provide for the freezing of any funds belonging to the Taliban, Usama bin Laden or any other person linked with him who is staying in Norway. The provisional ordinance prohibiting the financing of terrorism, etc. supplements these provisions, which continue to apply in the areas within their scope.

8. Obligations in the resolution and the financing convention that do not require statutory amendments

Norway already fulfils a number of the international obligations set out in the resolution and the financing convention. As regards some of the provisions, it has been necessary to assess the need for statutory amendments in consultation with the ministries concerned, i.e. the Ministry of Finance, the Ministry of Justice and the Ministry of Local Government and Regional Development.

Paragraph 2, subparagraph c, of the resolution requires the states parties to deny safe havens to those who finance, plan, facilitate or commit terrorist acts.

According to the Immigration Act, in a number of circumstances a foreign national is entitled to a residence or working permit in Norway. If the foreign national has been convicted of a criminal offence, he may however be refused a permit pursuant to section 8, first paragraph, item 3, of the Immigration Act. This also applies to family reunification, cf. section 9, first paragraph. A foreign national who has previously been convicted may be expelled pursuant to section 27, first paragraph, litra e, of the Act. If the foreign national has entered the realm but is found not to have been granted leave to stay, he may be expelled pursuant to section 28, first paragraph. A foreign national may also be expelled pursuant to section 29, first paragraph, litrae b and c. The provisions concerning a residence permit of sections 51 to 53 apply to nationals who come within the scope of the EEA Agreement. A foreign national who has previously been convicted may be rejected pursuant to section 57, first paragraph, litra c, and expelled pursuant to section 58. Thus the foreign national may be refused a permit pursuant to sections 51 to 53, cf. section 51, third paragraph. In such cases a foreign national may also be expelled after he has entered the realm, cf. section 57, third paragraph.

If the foreign national has not been previously convicted of a criminal offence, but is suspected or charged of a terrorist act, or of participating in such an act, the matter must be considered pursuant to section 27, first paragraph, litra j. This provision provides sufficient legal authority for expulsion. If the foreign national has entered the realm but is found not to have been granted leave to stay, he may be expelled pursuant to section 28, first paragraph. The foreign national may thus be refused leave to stay in Norway both on entry and subsequently pursuant to section 8, first paragraph, item 3, cf. also section 9, first paragraph, with reference to these rejection provisions. The provisions concerning rejection of section 57, first paragraph, litrae c and d, apply to nationals who come within the scope of the EEA

Agreement. In such cases, too, a foreign national may be rejected after he has entered the realm, cf. section 57, third paragraph. The foreign national may thus be refused a permit pursuant to sections 51 to 53, cf. section 51, third paragraph.

If the foreign national is seeking asylum, the application must be dealt with in accordance with section 17 of the Act. According to section 17, a foreign national is entitled to asylum in the realm if he is recognized as a refugee, cf. section 16. The term refugee in the Immigration Act is based on the definition of the term in the convention relating to the status of refugees. It is presumed that the terrorist acts in question come under Article 1 F of the Refugee Convention. According to the article, the provisions of the convention shall not apply to any person with respect to whom there are serious reasons to presume that he has committed specified acts.

Section 43 of the Immigration Act provides special authority to refuse entry and to refuse an application for a work permit, residence permit and settlement permit in specified situations. It is presumed that the alternatives foreign policy considerations and compelling social considerations are also applicable in such cases. It is also presumed that decisions may be implemented at an earlier stage under this provision than under the provisions of sections 39 and 40.

If a foreign national is rejected, expelled or refused a permit in accordance with the Immigration Act, he is protected against prosecution under the provisions of section 15. The section applies to all decisions made pursuant to the Act. A situation that may arise is that a state to which it would otherwise be natural to send the foreign national has the death penalty for the criminal offence for which he is suspected, charged or convicted. If the person has applied for asylum, these circumstances mean that he will not be given protection pursuant to section 17, cf. section 16. It follows directly from section 15, third paragraph, that protection does not apply when there are circumstances of the kind mentioned in Article 1 F of the Refugee Convention.

A terrorist would not in any case, given the offences concerned, come under section 15, first paragraph, which provides protection for reasons similar to those given in the definition of a refugee.

Paragraph 2, subparagraph e, of the resolution requires the states parties to ensure that any person who participates in terrorist acts is brought to justice, and that the punishment reflects the seriousness of such acts. Despite the fact that the term "terrorism" is not defined or used in our criminal legislation, and that we do not have a separate penal provision that applies directly to terrorism, terrorist acts are generally criminal offences. A number of provisions may be mentioned. Some of them have been enacted or amended in order to follow up international conventions against terrorism, cf. sections 150, 151 a and 152 a, in Chapter 14, Felonies against public safety, of the Penal Code.

Section 150 covers inter alia placing any obstacle in a seaway and interfering with the safe operation of a ship, railway, aircraft or any installations or constructions on the continental shelf. The act must involve a risk of fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident, and the penalty is imprisonment for a term not exceeding six years. If the accident is caused by someone, the penalty is up to 12 years' imprisonment. Complicity is also a criminal offence, cf. first paragraph, litra f. Section 151 a covers aircraft hijacking, hijacking of vessels and any person who "forcibly takes control" of constructions or installations on the continental shelf. The penalty is imprisonment for a term of two to 21 years. An accomplice is liable to the same penalty, cf. the second paragraph. Moreover, typical hijackings will often come under section 222 on coercion and section 223 on unlawful deprivation of liberty. Section 152 a covers unlawful dealings with any material containing plutonium or uranium.

Another example is section 148, which inter alia covers any person who causes a serious "fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident," and can conceivably be applied to bombing attacks, for example. The poisoning of drinking water is covered by section 152, whereas the poisoning of, for example, food is covered by section 153. Section 154 covers the spreading of a dangerous contagious disease. Complicity in the violation of all four of these provisions is a criminal offence, and the penalty is imprisonment for a term of up to 21 years.

Terrorist acts that cause bodily harm or death are also covered by the provisions of Chapter 22 of the Penal Code, Felonies against another person's life, body and health (particularly sections 229 to 233). According to these provisions, complicity is also subject to imprisonment for a term of up to 21 years.

An attempt to commit a terrorist act which constitutes a felony is also normally covered, cf. section 49, first paragraph. A number of the provisions also cover acts it would be natural to regard simply as preparations for other criminal offences, such as for example when terrorists falsify passports or obtain falsified passports so they can board an aircraft which is to be hijacked unhindered. Falsifying or obtaining a forged passport, or being accessory thereto, is already a criminal offence, cf. section 185. According to section 161 of the Penal Code, any person who acquires, manufactures or stores explosives or special tools for the manufacture or use thereof with intent to commit a felony is liable to imprisonment for a term not exceeding six years. An accomplice is liable to the same penalty. Section 153 a makes it a criminal offence to develop, produce, store or otherwise obtain or possess bacteriological or biological weapons, etc. The penalty is imprisonment for up to 10 years, and complicity is subject to the same penalty, cf. the second paragraph. The same applies to chemical weapons. Acquiring such weapons in contravention of the Chemical Weapons Convention is subject to a penalty of imprisonment for up to five years, cf. section 5 of Act of 6 May 1994 No. 10, cf. section 1. Any dealings with firearms, etc., are governed by the Firearms Act.

Certain preparations for particular acts may also be criminal offences because the definition of the objective (material) elements of such felonies includes attempts with a broad scope. For example, section 98 applies to any person who attempts to bring about any alteration of the Constitution of Norway by illegal means, or is accessory thereto. Under specially aggravating circumstances, the penalty is imprisonment for up to 21 years.

It is also a criminal offence to conspire with anyone for the purpose of committing a number of specified felonies. For example, section 159 applies to any person who conspires with anyone with the intent to commit or be accessory to the felonies set forth in section 148, section 151a, section 151 b first paragraph, section 152 second paragraph, section 153 first, second or third paragraph, or section 154. In other words the provision prohibits inter alia bombing attacks, hijacking, certain forms of aggravated gross vandalism, poisoning drinking water, poisoning food and spreading disease. The penalty is imprisonment for up to 10 years. Complicity is subject to the same penalty.

According to section 223, third paragraph, any person who conspires to deprive another person of his liberty for a long period of time or in a particularly aggravated manner, cf. the second paragraph, is liable to imprisonment for a term not exceeding 10 years. Section 233 a applies to conspiracy for the purpose of causing the death of or serious injury to another person, cf. sections 231 and 233. In such cases, too, the penalty is imprisonment for a term not exceeding 10 years. These provisions were introduced by Act of 3 December 1999 No. 82, and are based inter alia on the National Security Commission's recommendation, set out in NOU 1993:3, cf. Proposition No. 64 (1998-99) to the Odelsting, pp. 131-133.

Another important provision is section 104 a, which is patterned on the provision set out in section 114 of the Danish Criminal Code (known as the anti-terrorism provision). According to the first paragraph, any person who forms or takes part in a private "organization" of a military character is liable to imprisonment for up to two years or, in certain cases, up to six years, e.g. if the organization controls arms or explosives. Under certain circumstances, the formation of or participation in a terrorist organization is covered by this provision. In such cases, it also applies to those who "support" the organization, e.g. by financing it. The same penalty applies to any person who forms, takes part in or supports any association or organization whose aim is to disturb the social order or to obtain influence in public affairs by sabotage, the use of force or other illegal means. This could apply to a terrorist organization that was not of a "military character". This is, however, subject to a certain limitation since the association or organization must have "taken steps to realize its purpose by illegal means". However, if the requirements are otherwise fulfilled, it also applies to those who "support" such an organization or association, e.g. by financing it.

As shown by these examples, Norwegian criminal legislation prescribes a wide penalty scale for felonies that constitute terrorist acts and for complicity in or an attempt to commit such acts. The provisions on concurrence also apply, cf. section 62 of the Penal Code. Depending on the circumstances, this further increases the penalty. Although there is no tradition in Norwegian criminal law for laying down detailed instructions on sentencing in statutory provisions, in each individual case the court accords due weight to any aggravating circumstances. Terrorist acts are typically characterized by precisely such circumstances as are considered aggravating, and in such cases the court has grounds for imposing a higher sentence within the penalty scale in question. Thus due consideration is had for the seriousness of the offences in question when determining the sentence.

Both the Financing Convention and the resolution include provisions concerning extradition and mutual assistance in criminal matters, cf. inter alia Articles 11-16 of the convention and paragraph 2 ff. of the resolution. Norwegian legislation allows for providing assistance to other countries in connection with criminal investigations or criminal proceedings. In principle such assistance may be provided to all states in all types of criminal matters, regardless of whether there are any binding international agreements or conventions. Today the police and the prosecuting authority provide extensive assistance to other states in their prosecution of criminal offences.

In order to ensure the best possible and most effective cooperation, Norway has acceded to international conventions on mutual assistance in criminal matters and extradition of offenders, and has entered into a number of bilateral agreements. There is also legislation in the Schengen cooperation that is to facilitate closer, more effective cooperation between countries in prosecuting criminal offences.

Under the Financing Convention, the states parties undertake to afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings in respect of the offences set forth in the convention. This includes, for example, assistance in obtaining evidence and extradition of offenders. The forms of assistance set forth in the convention may be provided within the scope of current Norwegian legislation. The convention also provides that states parties shall assist one another in accordance with their domestic law.

According to Article 18 of the convention, the state parties shall cooperation in the prevention of the offences set forth in Article 2, and shall utilize certain measures in connection with this. According to paragraph 1, subparagraph b, i-iii, they shall take measures to ensure that financial institutions verify the identity of their customers, and to introduce a system whereby financial institutions report any "suspicious" transactions to a specified public authority. In Norway such provisions have been laid down in and pursuant to section 2-17 of Act of 10 June 1988 No. 40 relating to financing activity and financial institutions. The Norwegian provisions fulfil the requirements of the convention. They are based inter alia on EEA rules that correspond with Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering and the 40 recommendations set out by the Financial Action Task Force (FATF). These rules will be considered more closely at a later stage, inter alia in connection with current efforts in connection with changes in the EU and the FATF and the Storting's (Parliament's) order in Recommendation No. 50 (1995-96) to the Odelsting.

According to subparagraph b, iv, financial institutions are required to maintain records on transactions. This requirement is considered to be fulfilled on the basis of existing accounting provisions, cf. Chapter 2 of Act of 17 July 1998 No. 56 relating to annual accounts and section 11 of Act of 13 May 1977 No. 35 relating to the statutory obligation to maintain accounting records, etc.

Article 18, paragraph 2, lists measures to be taken in connection with the transmission of money, including the transportation of cash, which are also considered to be implemented in Norwegian law. It is not permitted to engage in "money-remittance" activities, cf. Chapter 4 of Regulations of 27 June 1990 No. 595 relating to currency control.

Article 18, paragraph 3, sets out requirements relating to cooperation between the states parties. These too have been fulfilled in Norway.

9. Economic and administrative consequences

It is presumed that the provisions of the draft provisional ordinance will not have any appreciable economic or administrative consequences in Norway, due to the mechanisms already in place.

10. Comments on the provisions of the provisional ordinance

Re. § 1:

The provision defines the term "terrorist act" and thus helps to determine the scope of the other provisions of the ordinance. The definition has two parts:

According to *litra a*, the term encompasses certain acts carried out in an attempt to coerce the authorities or population of the country or society at large in order to achieve political, religious or ideological aims. This part of the provision is based on section 3, item 5, of Act of 20 March 1998 No. 10 relating to preventive security services (the Security Act), and shall be construed in the same way. Thus, any violation of the general provisions of the Penal Code may, depending on the circumstances, constitute a terrorist act insofar as it is committed for such purpose as set forth in section 3, item 5, of the Security Act. The question whether the terms should be specified more precisely and made more limited will be considered more closely when drawing up the bill.

According to *litra b*, the term also encompasses all acts that fall within the scope of Article 2, paragraph 1, subparagraphs a and b, of the International Convention for the Suppression of the Financing of Terrorism. The provision set forth in subparagraph b is related to section 1, litra a, of the ordinance and encompasses any act intended to cause death or serious bodily injury to any person when the purpose of such act is to intimidate a population, or to compel, threaten or coerce a government or an international organization into doing or abstaining from doing any act. Article 2, paragraph 1, subparagraph a, of the convention encompasses the acts that fall within the scope of one or more of the nine conventions and protocols listed in the Annex (the Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 1970, the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971, with the Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation of 1988, the UN Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 1973, the International Convention against the Taking of Hostages of 1979, the Vienna Convention on the Physical Protection of Nuclear Material of 1980, the IMO Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988, with the Rome Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf of 1988, and the International Convention for the Suppression of Terrorist Bombings of 1997).

Re. § 2:
The provision criminalizes the provision of funds or financial assets with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts. Accomplices shall be liable to the same penalty. The provision implements Article 2 of the convention and paragraph 1, subparagraphs a and b, of the resolution.

Criminal liability does not depend on whether the financial assets provided *are* actually used to prepare or carry out a terrorist act. The primary reason for this is the problem such a provision could create as regards evidence, particularly where the money has been made available to an organization or a network of people. Moving or by any other means concealing such funds as are mentioned in section 2, first paragraph, could be penalized as complicity in violation of the provisions of section 2.

It follows from the second paragraph of the provision that the act is a criminal offence in Norway *also* when it has been committed *abroad* by either a Norwegian national or a person who has his or her habitual residence in Norway, or when it has been committed by a foreign national abroad. By giving the provision such a wide geographical scope, which may be done in accordance with Article 7, paragraph 2, of the convention, it is possible to avoid inter alia any problems related to evidence that have to do with which state's territory the offence was committed in.

The penalty for such an offence is fines or imprisonment for a term not exceeding 15 years. This also means that the police may use extraordinary investigation methods, including interception of communications pursuant to section 216 a of the Criminal Procedure Act.

Re. § 3:
The provision makes it a criminal offence to make funds, financial assets or services available to any person who may with just cause be suspected of preparing or perpetrating such offence as is mentioned in section 1 or section 2, any entity owned by the suspect or over which he has significant influence, or any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned in litra b. The provision implements paragraph 1, subparagraph d, of the resolution.

The objective (material) elements of the offence *(actus reus)* coincide to some extent with that set out in section 2, although they also cover services. The difference lies primarily in the subjective requirement *(mens rea)* – to be convicted under section 3, it is sufficient that the offender has wilfully given money to someone who belongs to the category of persons or entities covered by the section, whereas criminal liability pursuant to section 2 is conditional on the intent that the finds are to be used for terrorist acts. In some cases the provisions overlap, so that an act that may be punishable under section 2 is also punishable under section 3. In all essentials the provisions safeguard the same interests, and the question of concurrence is not relevant.

An offence is subject to fines or imprisonment for a term not exceeding 10 years. The police may as a consequence apply extraordinary methods during the investigation. As regards geographical scope, section 2, second paragraph, applies correspondingly.

Re. § 4:
The provision of the *first paragraph* requires the police to freeze any property belonging to the suspect, any entity owned by the suspect or over which he has significant influence, or any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned in litra b. Thus the provision implements paragraph 1, subparagraph c, of the resolution. The concept of "freezing" property, etc. has not been used previously in Norwegian criminal procedure, and closer consideration will be given to whether the concept should be retained when developing the legal framework further.

According to the *second paragraph*, a financial institution has an obligation to notify Økokrim (the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway) if it suspects that a transaction is linked to such act as is mentioned in section 1 or section 2. Økokrim will thereby serve as a contact point and will be able to forward information to the various police districts. The obligation pursuant to this paragraph is an extension of the obligations of finance institutions pursuant to section 2-17 of Act of 10 June 1988 No. 40 relating to financing activity and financial institutions, which concerns measures to combat money laundering.

Freezing property means preventing someone from controlling property, directly or indirectly, typically by blocking a bank account, cf. *third paragraph*. Thus there are clear similarities between the provision on freezing property and the provisions of the Criminal Procedure Act on making a charge and effecting a seizure. However they differ in that the main purpose of freezing property is to prevent criminal offences. Temporarily freezing all the property of a person charged is a means of preventing him from using the funds to prepare or carry out terrorist acts, cf. sections 1 and 2.

A decision to freeze property shall be made "without undue delay". This means that the decision shall be made as soon as the conditions subsist, unless consideration for the investigation indicates that it would be wise to wait and see how the situation unfolds. In such cases the choice of the time when a decision is to be made to freeze property must always be in accordance with Norway's obligations under international law, including the obligations that follow from binding decisions made by the Security Council in accordance with Chapter VII of the UN Charter. Decisions to freeze property are taken by the chief of police, the deputy chief of police or the chief of the Police Security Service.

The condition for freezing property is that a person may with just cause be suspected of preparing or perpetrating such offence as is mentioned in section 1 or section 2. This means that it must be more probable that the person in question has committed the offence than that he has not, cf. Norwegian Law Gazette 1993, p. 1302.

Re. § 5:
Neither the resolution nor the convention contains detailed procedural rules, so such rules must be drawn up by the respective states when they implement the rules. Such rules will be based on principles set out in the provisions of the Criminal Procedure Act concerning enforcement measures.

The question of the expediency of the various time limits will be considered more closely when drafting the bill that will be submitted to replace the ordinance.

It does not follow explicitly from the resolution that a decision to freeze property in accordance with this ordinance is time-limited. However, in the light of Article 8 of the convention, which provides that property may be frozen with a view to confiscating it at a later stage, it would seem natural to construe the resolution in this way. The decision to freeze property will either result in seizure and confiscation, or in the property being released, cf. the third paragraph. The criminalization of the financing of terrorism has widened the scope of the provisions of the Penal Code concerning confiscation. For example, any money that is collected constitutes gain obtained by a criminal act, cf. section 34 of the Penal Code. In cases where the amount collected constitutes a considerable gain, the provisions on the extended right to confiscate are also applicable, cf. section 34 a of the Penal Code. The criminalization provided for in section 2 of the ordinance also entails that confiscation may be effected pursuant to the provisions of section 37 b of the Penal Code because the funds collected would easily fulfil the condition that there must be a risk that they will be used for a criminal act. When the introduction of these new penal provisions is viewed in connection with the relatively wide powers of confiscation under Norwegian law, a decision to freeze property will often be a precursory step to confiscation.

Existing sanctions regimes that presuppose the freezing of funds will apply as previously.

Pursuant to the *second paragraph*, the court's decision to freeze property may be taken without notifying the persons affected by the decision. In such cases the court shall appoint official defence counsel in accordance with the provisions of section 100 a of the Criminal Procedure Act.

Pursuant to the *fourth paragraph*, the prosecuting authority may order any person to render any assistance necessary to freeze property. This means inter alia that banks and other financial institutions have an obligation to block an account if the prosecuting authority requests them to do so.

Re. § 6:
The provision specifies the penalty for breach of a prescribed duty of secrecy and for failure to comply with the prosecuting authority's order to render assistance in implementing a decision to freeze property.

The *second paragraph* prescribes the penalty for wilfully breaching the duty to give notification imposed on financial institutions in section 4, second paragraph. Failure to comply with a request from Økokrim to provide information pursuant to section 4, second paragraph, second sentence, is subject to the same penalty. Like the provisions of section 5-1 of Act of 10 June 1988 No. 40 relating to financing activity and financial institutions, negligent contravention is not a criminal offence pursuant to this paragraph.

Re. § 7:
The provision prescribes that the ordinance enters into force immediately.

Provisional Ordinance prohibiting the financing of terrorism, etc.

Laid down by Royal Decree of 5 October 2001 pursuant to Article 17 of the Constitution. Put forward by the Ministry of Foreign Affairs.

§ 1. For the purposes of this ordinance, terrorist act means

a) the unlawful use, or threat of the unlawful use, of force or violence against persons or property in an attempt to coerce the authorities or population of the country or society at large in order to achieve political, religious or ideological aims, cf. section 3, subsection 5, of the Security Act, and

b) any acts such as those mentioned in Article 2, paragraph 1, subparagraphs a and b, of the International Convention for the Suppression of the Financing of Terrorism.

§ 2. Any person who wilfully makes available, collects or by other means obtains funds or other financial assets with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to prepare or carry out a terrorist act shall be liable to fines or imprisonment for a term not exceeding 15 years. Accomplices shall be liable to the same penalty.

Such an act is also a criminal offence in Norway either when it has been committed abroad by a Norwegian national or by a person who has his or her habitual residence in Norway, or when it has been committed abroad by a foreign national.

§ 3. Any person who wilfully makes funds, financial assets or services available to any of the following is liable to fines or imprisonment for a term not exceeding ten years:

a) any person who may with just cause be suspected of preparing or perpetrating such offence as is mentioned in section 1 or section 2,

b) any entity owned by the suspect or over which he has significant influence, or

c) any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned in b.

An accomplice shall be liable to the same penalty. Section 2, second paragraph, shall apply correspondingly.

§ 4. When any person is suspected with just cause of preparing or carrying out such act as is mentioned in section 1 or section 2, the chief of police, the deputy chief of police or the chief of the Police Security Service shall decide to freeze without undue delay any property belonging to

a) the suspect,

b) any entity owned by the suspect or over which he has significant influence, or

c) any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned in b.

If a financial institution suspects that a transaction is linked to such act as is mentioned in section 1 or section 2, the financial institution shall of its own motion forward any information that may indicate such an offence to the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway, Økokrim. The financial institution is required, at the request of Økokrim, to provide all necessary information concerning the possible offence. A customer or third party shall not be informed that such information as is mentioned has been forwarded. The requirement set out in this paragraph also applies to the officials of the institution.

The decision to freeze property shall be in writing and shall identify the suspect and provide a brief account of the grounds for the decision.

For the purposes of this ordinance, property means any funds or other benefits. Any such funds derived or generated from property are also regarded as property.

For the purposes of this ordinance, freezing property means preventing anyone from having the disposal of the property directly or indirectly. A decision may not be made to freeze property that is absolutely necessary for the maintenance of the person who is the subject of the decision or that of his household.

§ 5. The prosecuting authority shall as soon as possible, and no later than seven days after it has made a decision in accordance with section 4, bring the case before the court of examination and summary jurisdiction, which shall decide whether the decision shall be ratified. If the time limit falls on a weekend, holiday or day which according to statute has the same status as a holiday, the time limit shall be extended to the next working day. The decision of the court shall be made by an order. Before the court makes a decision, the suspect and any others affected by the decision shall be notified and given an opportunity to express an opinion.

If it is absolutely necessary for the purpose of the investigation, the court's decision pursuant to the first paragraph may be taken without notifying the suspect or any others affected by the decision. The court shall at the same time fix a time limit by which the order shall be notified. The time limit shall not exceed four weeks, but it may be extended by order of the court by up to four weeks at a time. When the extended time limit has expired without being further extended, the suspect and any others affected by the decision shall be notified of the order pursuant to the first paragraph and informed of their right to bring the question whether the decision shall be ratified before the court. The provisions of section 100a of the Criminal Procedure Act shall apply correspondingly to decisions taken pursuant to this paragraph.

The prosecuting authority shall as soon as possible after the court has made a decision to freeze property pursuant to this ordinance assess whether there are grounds for seizing or making a charge on the property, cf. Chapters 16 and 17 of the Criminal Procedure Act. An application for effecting a seizure or making a charge shall be submitted to the court within four weeks unless the court has fixed a longer time limit. Section 205, first paragraph, of the Criminal Procedure Act shall not apply. If the prosecuting authority is of the opinion that there are no grounds for effecting a seizure or making a charge, the decision to freeze the property shall be annulled without undue delay.

The prosecuting authority may order any person to render any assistance needed to freeze property. If it is appropriate to request extension of the notification period pursuant to the second paragraph, the prosecuting authority may also require any person to observe secrecy on the decision to freeze property until notification has been given. The prosecuting authority shall notify the person who has been ordered to observe a duty of secrecy as soon as possible when the duty has ceased to apply.

§ 6. Any person who acts contrary to an order to render assistance or observe secrecy which is made in accordance with section 5 is liable to fines or a term of imprisonment not exceeding two years.

Any person who wilfully breaches the duty to give notification set forth in section 4, second paragraph, is liable to fines or a term of imprisonment not exceeding one year. Any person who fails to comply with requests from Økokrim to provide information pursuant to section 4, second paragraph, second sentence, is liable to the same penalty.

§ 7. The ordinance enters into force immediately.

GENERAL CIVIL PENAL CODE

Part I. General Provisions

Introductory Provisions

§ 1. The first part of this code is applicable to all criminal acts unless it is otherwise provided.

§ 2. The criminal acts dealt with in the second part of this code are felonies. Unless otherwise provided, the same applies to the criminal acts that are dealt with in other statutes in so far as they are punishable by imprisonment for more than three months, detention for more than six months, or dismissal from public office as the main penalty.

The criminal acts that are dealt with in the third part of this code are misdemeanours, as are those dealt with in other statutes in so far as they are not felonies according to the above provisions.

§ 3. If the criminal legislation has been amended in the period following the commission of an act, the penal provisions in force at the time of its commission shall be applicable to the act unless otherwise provided.

The penal provisions in force at the time a particular issue is decided shall be applicable when they lead to a decision more favourable to the person charged than the provisions in force at the time of commission of the act. However, in the case of an appeal, interlocutory appeal, or a petition for reopening a case, no account shall be taken of provisions that come into force only after the decision occasioning the appeal, interlocutory appeal, or petition for reopening the case, has been made.

If a prosecution or execution of sentence has been lawfully commenced, no account shall be taken of the fact that by a subsequent enactment the right to prosecute or to execute sentence is statute-barred or the prosecution is made dependent on an application by the aggrieved person or is left to him.

The time-limit prescribed by a new Act for an aggrieved person's right to prosecute or to apply for a prosecution shall in no case begin to run until the said Act comes into force.

§ 4. Wherever this code mentions the word act, it thereby also includes omission to act unless it is otherwise expressly provided or evident from the context.

§ 5. Wherever this code uses the term a person's next-of-kin, it thereby includes his spouse, ascendants and descendants, siblings and equally close relatives by marriage, foster-parents and foster-children, and his fiancée. If the marriage is dissolved, the said provisions shall continue to apply to events occurring before the dissolution.

The spouse of a relative by marriage is also regarded as a relative by marriage.

§ 6. In this code the term chattel includes any power produced or stored for the production of light, heat or motion.

§ 7.

1. in this code public place means any place intended for public use or frequented by the public.
2. An act is considered to be committed in public when it is committed by publication of printed matter or in the presence of a large number of persons or under such circumstances that it could easily have been observed from a public place and is observed by any person present there or close to it.

§ 8. The provisions of this code relating to time of war shall also apply when the armed forces or any part thereof have been alerted for war service.

§ 9. In this code serious injury to body or health means injury whereby a person loses or suffers substantial impairment of sight, hearing, speech, or reproductive capacity, becomes disabled, unable to continue his work or seriously disfigured, contracts a deadly or protracted disease, or incurs serious mental injury.

It is also considered a serious injury when a felony is committed against a pregnant woman with the result that the foetus is injured or destroyed.

Act of 22 May 1902 No. 10 as subsequently amended, most recently by Act of 1 July 1994 No. 50.

§ 10. Printed matter includes any writing, representation or the like which is reproduced by printing or other chemical or mechanical means.

Publication also means posting, placing and the like in a public place.

§ 11. One month means one calendar month; one day means 24 hours.

Section 148, second paragraph, and section 149, first paragraph, of the Courts of Justice Act shall apply to the calculation of statutory time-limits.

Chapter 1. Applicability of Norwegian criminal law

§ 12. Unless it is otherwise specially provided or accepted in an agreement with a foreign State, Norwegian criminal law shall be applicable to acts committed:

1. in the realm, including

a) any installation or construction placed on the Norwegian part of the continental shelf and used for exploration for or exploitation or storage of submarine natural resources,

b) constructions for the transport of petroleum resources connected with any installation or construction placed on the Norwegian part of the continental shelf,

c) the security zone around such installations and constructions as are mentioned under a and b above,

d) any Norwegian vessel (including a Norwegian drilling platform or similar mobile installation) in the open sea, and

e) any Norwegian aircraft outside such areas as are subject to the jurisdiction of any State;

2. on any Norwegian vessel or aircraft wherever it may be, by a member of its crew or any other person travelling on the vessel or aircraft; the term vessel here also includes a drilling platform or similar mobile installation;

3. abroad by any Norwegian national or any person domiciled in Norway when the act

a) is one of those dealt with in chapters 8, 9, 10, 11, 12, 14, 17, 18, 20, 23, 24, 25, 26 or 33 of this code or sections 135, 141, 142, 144, 169, 192 to 195, 199, 206 to 209, 222 to 225, 227 to 235, 238, 239, 242 to 245, 291, 292, 294 item 2, 317, 326 to 328, 330, last paragraph, 338, 367 to 370, 380, 381 or 423 and in any case when it

b) is a felony or misdemeanour against the Norwegian State or Norwegian state authority,

c) is also punishable according to the law of the country in which it is committed, or

d) is committed in relation to the EFTA Court of Justice and is included among those dealt with in section 163, cf. section 167 and section 165, of the present Act, or sections 205 to 207 of the Courts of Justice Act;

4. abroad, by a foreigner when the act either

a) is one of those dealt with in sections 83, 88, 89, 90, 91, 91 a, 93, 94, 98 to 104, 110 to 132, 148, 149, 150, 151 a, 152 first cf. second paragraph, 152 a, 152 b, 153 first to fourth paragraphs, 154, 159, 160, 161, 169, 174 to 178, 182 to 185, 187, 189, 190, 192 to 195, 217, 220, 221, 222 to 225, 227 to 229, 231 to 235, 238, 239, 243, 244, 256, 258, 266 to 269, 271, 276, 291, 292, 324, 325, 328, 415 or 423 of this code or sections 1, 2, 3 or 5 of the Act relating to defence secrets,

b) is a felony also punishable according to the law of the country in which it is committed, and the offender is resident in the realm or is staying therein, or

c) is committed in relation to the EFTA Court of Justice and is included among those dealt with in section 163, cf. section 167 and section 165, of the present Act, or sections 205 to 207 of the Courts of Justice Act.

In cases in which the criminality of an act depends on or is influenced by any actual or intended effect, the act shall be regarded as committed also where such effect has occurred or is intended to be produced.

§ 12 a. When a final judgment has been passed on a person which is covered by the Act relating to European criminal judgments etc. or the Act relating to the transfer of criminal prosecutions from or to another European country, criminal proceedings may not be instituted nor sentence pronounced in this realm for the same criminal matters, if

a) he has been acquitted;
b) he has been found guilty but no sanction has been imposed;
c) the sanction imposed has been fully executed or is in the process of execution; or
d) the sanction imposed has ceased to apply according to the rules of the adjudicating country.

Unless the criminal prosecution in the adjudicating country took place on the application of the Norwegian authorities, the provisions of the first paragraph shall not apply

a) when the act is committed in this realm, cf. section 12, first paragraph, item 1, and second paragraph;
b) when the perpetrator at the time of committing the act was resident in Norway or was a Norwegian national, and the prosecution is required in the public interest;
c) when the act was directed against a person holding a Norwegian public office or a public institution or something else of a public character in this realm, or the perpetrator himself held a Norwegian public office;
d) when the act was hijacking of an aircraft or some other international crime under international law; or
e) in so far as otherwise follows from an extradition treaty or a multilateral international agreement.

§ 13. In the cases dealt with in section 12, item 4, litrae a and b, a prosecution can only be instituted when the King so decides.

In the cases dealt with in section 12, item 4 b, a prosecution may not take place unless there is also power to impose a penalty according to the law of the country in which the act was committed. Nor may a more severe penalty be imposed than is authorized by the law of the said country.

The first and second paragraphs shall not apply when a criminal prosecution in this country takes place in .. accordance with an agreement with a foreign State concerning the transfer of criminal proceedings.

In every case in which a person who has been punished abroad is convicted of the same offence in this country, the penalty already served shall as far as possible be deducted from the sentence imposed here.

§ 14. The application of the above provisions shall be limited by the generally acknowledged exceptions of international law.

Chapter 2. Penalties and preventive measures

§ 15. The ordinary penalties are:

imprisonment,
detention,
community service, and
fines.

In special cases loss of civil rights as specified in section 29 may be imposed.

Loss of civil rights may be imposed in addition to or instead of another penalty. It may not, however, be substituted for another penalty when a custodial sentence of at least one year is prescribed by law for the act.

§ 16. The following supplementary penalties may be combined with the penalties mentioned in section 15:

1. Loss of civil rights as specified in sections 30 and 31.
2. Prohibition against being present in specific areas (section 33).

§ 17. Imprisonment may be imposed:

(a) for a term of from 14 days to 15 years, or in the cases dealt with in section 62 for a term not exceeding 20 years;
(b) in cases in which it is specially provided, for a term not exceeding 21 years.

Any provision for imprisonment in this code means imprisonment for a limited period unless it is otherwise expressly stated.

A person sentenced to imprisonment may be released on probation in accordance with the provisions of a special Act (section 26).

§§ 18-19. (Repealed by Act of 12 December 1958 No. 1.)

§ 20. (Repealed by Act of 12 June 1981 No. 62.)

§ 21. Should a person who is serving detention be sentenced to imprisonment, the execution of the latter sentence would normally commence immediately and the other sentence would be temporarily suspended.

§ 22. Detention may be imposed for a term of from 14 days to 20 years.

Two days' detention shall be considered the equivalent of one day's imprisonment.

§ 23. On the application of the convicted person or with his consent, detention may be converted to imprisonment.

§ 24. When imprisonment is specified as the only form of custodial penalty, an equivalent sentence of detention may be imposed, provided that special circumstances make it probable that the act did not originate from a depraved mind.

§ 25. A custodial sentence not exceeding four months shall be determined in days; a custodial sentence exceeding four months shall be determined in months and years.

§ 26. Further rules necessary for the implementation of the above provisions as well as for the organization and administration of prisons and the treatment of prisoners generally shall be prescribed in a separate Act.

§ 26 a. In addition to a custodial sentence the court may impose a fine. This applies even though fines are not prescribed as a penalty for the offence. In assessing a custodial sentence the fact that a fine is also imposed shall be taken into account.

The power to combine a custodial sentence with a fine derived from this section is of no significance in relation to statutory provisions that give legal effect to the penalty scale.

§ 27. When a fine is imposed, consideration should be given not only to the nature of the offence but also especially to the financial position of the convicted person and to what he can presumably afford to pay in his circumstances.

The fine shall accrue to the State treasury.

§ 28. When a fine is imposed, a sentence of imprisonment of from one day to three months, or in the cases mentioned in section 63 up to four and a half months, shall be stipulated, which shall be executed if the fine is not paid.

When a fine is imposed pursuant to section 48 a, no sentence of imprisonment pursuant to the first paragraph shall be stipulated.

§ 28 a. Community service for a period not exceeding 360 hours may be imposed for criminal acts that would otherwise be punishable by imprisonment for a term not exceeding one year. This limitation relating to one year's imprisonment may, however, be departed from when there are strong reasons for imposing community service. Community service may only be imposed when due regard to maintaining respect for the law so allows, and when the person charged is found to be suitable in this respect and consents thereto.

The sentence shall also determine a term of imprisonment in lieu of community service, which shall correspond to the length of the sentence that would have been imposed without community service.

The sentence shall also determine a period for the performance of the community service, which shall correspond to the length of the term of imprisonment in lieu of such service. If the said term is shorter than 120 days, a period for performance not exceeding 120 days may nevertheless be determined. The provisions of section 25 shall apply correspondingly to the determination of the period for performance.

A sentence of community service entails that the convicted person shall remain under the supervision of the probation and aftercare service during the period for performance.

The court may impose a fine as well as community service. This applies even though a fine has not otherwise been prescribed as a penalty for the offence. In assessing a sentence of community service the fact that a fine is also imposed shall be taken into account.

In special cases an unconditional sentence of imprisonment for a term not exceeding 30 days may be imposed as well as community service.

When a sentence of community service is being read aloud to or served on the convicted person, he shall be clearly informed of what the sentence entails, and of the consequences of a breach of the duty to perform community service, and of the commission of a new criminal act before the expiry of the period for performance.

§ 28 b. Community service shall be performed under the supervision of the probation and aftercare service.

If the probation and aftercare service has not been present during the pronouncement of a sentence of community service, it shall immediately be informed of the sentence.

The probation and aftercare service will decide on the distribution of the hours of community service during the period of performance pursuant to further provisions laid down in accordance with the last paragraph hereof.

When there are special reasons for doing so, the probation and aftercare service may defer or extend the period of performance by up to six months.

The King may issue further provisions relating to the performance of community service.

§ 28 c. If the convicted person seriously or repeatedly breaches the conditions relating to community service, including the condition that no new crime shall be committed during the period of performance, the court of summary jurisdiction shall on the application of the prosecuting authority by order decide that the sentence of imprisonment in lieu of community service shall wholly or partly be executed. In so revising the sentence the extent of the community service already performed shall be taken into account. The provisions relating to defence counsel and to arrest and remand in custody set out in section 100 and chapter 14 of the Criminal Procedure Act shall apply correspondingly. Notice shall be given to the convicted person, defence counsel and the prosecuting authority pursuant to the provisions of section 243 of the Criminal Procedure Act.

If after sentence has been pronounced the convicted person becomes guilty of committing a criminal act, and the case is adjudicated before the period for performance of community service has expired, the court may impose a combined sentence for both acts or a separate sentence for the new act. If a separate sentence is imposed for the new act, the court may also alter the previous sentence.

§ 29. When it is so required in the public interest, any person who is found guilty of a criminal act may be sentenced to:
1. Loss of any public office that the offender has by the criminal act shown himself to be unfit for or unworthy of.
2. Loss for a specific period not exceeding five years or forever of the right to hold office or to carry out any activity or occupation that the offender has by the criminal act shown himself to be unfit for or might conceivably misuse, or for which a high degree of public confidence is required. Any person thus deprived of the right to carry on any activity may not conduct such activity on behalf of another person either. He may be ordered to surrender any document or other object that has served as evidence of the said right.

§ 30. The offender may be sentenced to loss of the right to serve in the armed forces of the realm (the right of national service) for ever or for a specific period when because of his criminal act it must be assumed that it would be contrary to the interests of national defence to allow him to serve.

Any person who is sentenced to loss of the right of national service may by order of the court of summary jurisdiction regain it before the expiry of the stipulated period if there is no longer any reason to exclude him from serving. An application for such an order may be submitted by the convicted person or by the prosecuting authority. An application by the convicted person shall be submitted to the prosecuting authority that prepares the case for the court. If the application is dismissed, it may not be resubmitted until two years have elapsed.

§ 31. Any person who is convicted of any criminal act mentioned in chapters 8, 9 or 10 may, when it is so required in the public interest, be sentenced to loss of the right to vote in public affairs for a period not exceeding 10 years.

§ 32. A right that a person is sentenced to lose is lost from the date the sentence becomes final.

The time-limit for loss of a right for a specific period does not begin to run during the period the convicted person is serving a custodial sentence that has also been imposed, or avoids serving such a sentence.

§ 33. Any person who has committed a criminal act may by a court judgment be prohibited from being present in specific areas if the act indicates that the offender's presence there may be especially dangerous or troublesome to other persons.

The court of summary jurisdiction in the judicial district to which the prohibition applies may upon application by the convicted person or the prosecuting authority alter or abolish the prohibition.

A prohibition that is obviously no longer necessary may be abolished by the public prosecutor.

§ 34. Any gain obtained by a criminal act may wholly or partly be confiscated from the person to whom the gain has directly accrued through the act even when this is a person other than the offender. If the amount of the gain cannot be established, the court will determine the amount at its discretion.

§ 35. Objects that have been produced by or been the subject of a criminal act may be confiscated if this is considered necessary for the purpose of the provision that prescribes the penalty for the act. Rights and claims are also deemed to be objects.

The same applies to objects that have been used or intended for use in a criminal act.

Instead of the object an amount equivalent to its value or part of its value may be confiscated. It may be stipulated in the sentence that the object shall serve as security for the amount confiscated.

Instead of confiscating the object the court may impose measures to prevent the object being used for the commission of new offences.

§ 36. Confiscation pursuant to section 35 may be effected from the offender or from the person on whose behalf he has acted.

Confiscation of any object mentioned in section 35, second paragraph, or of an amount that is wholly or partly equivalent to its value may also be effected from an owner who has or should have understood that the object was to be used for a criminal act.

Confiscation pursuant to section 34 or 35 may be effected even though the offender cannot be punished by reason of the provisions in section 44 or 46.

§ 37. A right that is legally secured on an object that is confiscated shall lapse to the extent provided in the sentence in the case of the holder of a right who is himself guilty of the criminal act, or on whose behalf the offender has acted. Section 36, last paragraph, shall apply correspondingly.

Such provision may also be made in the case of the holder of a right who, when the right was established, understood or should have understood that the object was to be used in a criminal act.

When an object is sold with the ownership reserved to the seller, the purchaser shall be deemed to be the owner and the seller the holder of a right in applying the provisions of this section.

§ 37 a. When a gain or an object mentioned in section 34 or 35 is after the commission of the offence transferred from a person from whom confiscation may be effected, the object transferred or its value may be confiscated from the receiver if the transfer has occurred as a gift or if the receiver understood or should have understood the connection between the criminal act and the object transferred to him.

The same applies to a right to an object that is, after the commission of the offence, established by a person from whom confiscation may be effected.

§ 37 b. Even if the conditions prescribed in sections 34 to 36 are not fulfilled, an object may be confiscated when because of its nature and other circumstances there is a risk that it will be used for a criminal act. This applies irrespective of who is the owner and irrespective of whether criminal liability can be established against any person. Section 35, last paragraph, shall apply correspondingly.

§ 37 c. When an object that has been seized is required to be confiscated, and the owner is unknown or has no known place of resort in the realm, confiscation may be effected in proceedings against the offender or the person who was in possession at the time of seizure if this is considered reasonable according to the nature of the case and other circumstances. The same applies when confiscation is required of the value of an object that has been seized, or that has been exempted from seizure on provision of security. The owner shall as far as possible be notified of the proceedings.

If neither the offender nor the possessor is known or has a known place of resort in the realm, the court of summary jurisdiction may order confiscation under circumstances similar to those mentioned in the first paragraph, without any person being made a defendant.

These provisions shall apply correspondingly to confiscation of rights pursuant to sections 37 and 37 a, second paragraph.

§ 37 d. The proceeds of confiscation shall accrue to the State treasury unless otherwise provided.

On the application of the aggrieved person it may be decided that any gain confiscated pursuant to section 34 shall be applied to cover any claim for compensation on his part. When special reasons so warrant, it may also in other cases be decided that what is confiscated shall wholly or partly be applied to providing compensation for damage caused by the offence. Any such provision may be made in the sentence or by order of the court of summary jurisdiction in the judicial district where the confiscation proceedings have been decided.

When any gain has been confiscated pursuant to section 34, and the convicted person or any person responsible for the damage has paid compensation to the aggrieved person after the adjudication, the court of summary jurisdiction may on the application of the convicted person decide that the amount confiscated shall be reduced accordingly.

Any application pursuant to the above provisions must be submitted to the court not later than one year after the confiscation decision has become final.

§ 38. Printed matter containing anything felonious may be confiscated by a court judgment regardless of whether any person may be punished for such a publication or even if the author cannot be punished at all because of the circumstances mentioned in section 249, subsection 3, or other circumstances that exclude a penalty.

The judgment shall designate those parts of the publication which justify the confiscation. On execution of the judgment the other parts shall, at the request of the person concerned and at his expense, if possible be separated and returned to him.

The confiscation may also include any plates and moulds prepared for the printing; at the request of the person concerned and at his expense, it shall be arranged to dismantle the type used for the printing instead of confiscating it.

The above provisions shall not be applicable to copies that are not available to the public, and that are not intended for further distribution from their present location.

§ 39.

1. If an otherwise criminal act is committed in a state of insanity or unconsciousness or a criminal act is committed during unconsciousness caused by self-induced intoxication (section 45) or during temporarily reduced consciousness or by a person with underdeveloped or permanently impaired mental faculties, and there is a risk that the perpetrator will, because of his condition, repeat such an act, the court may decide that for preventive purposes the prosecuting authority shall

a. direct him to stay or prohibit him from staying at a specific place,

b. place him under the supervision of the police or a specially appointed supervisor and order him to report to the police or the supervisor at certain times,

c. prohibit him from consuming alcoholic beverages,

d. place him in reliable private care,

e. place him in a psychiatric hospital, sanatorium, nursing home or institution for preventive supervision if there is power to do so pursuant to general regulations issued by the King,

f. keep him in custody.

2. If any such condition entails a risk of acts of the kind dealt with in sections 148, 149, 152, second paragraph, 153, first, second and third paragraphs, 154, 155, 159, 160, 161, 192 to 198, 200, 206, 212, 217, 224, 225, 227, 230, 231, 233, 245, first paragraph, 258, 266, 267, 268 or 292, the court shall decide to apply such preventive measures as aforesaid.

3. The precautionary measures shall be discontinued when they are no longer considered necessary, but may be resumed when there is reason to do so. More than one of the preventive measures mentioned under litrae a to d may be applied concurrently.

The court shall determine a maximum period beyond which precautionary measures must not be applied without the court's consent.

4. Unless the court has decided otherwise, the prosecuting authority may choose between the above-mentioned preventive measures.

Any decision that a preventive measure shall be discontinued or resumed or replaced by other measures shall be made by the Ministry concerned.

Before any decision is made concerning precautionary measures or discontinuing them, a report shall normally be obtained from a medical specialist. This should also be done at regular intervals during the application of such precautionary measures.

5. If a penalty has been imposed for the act, the Ministry may decide that such penalty shall wholly or partly cease to apply if such precautionary measures as are mentioned in subsection 1 have been applied.

6. If the perpetrator is placed in a psychiatric hospital and the court has not dealt with the question of preventive measures before his commitment, the prosecuting authority shall be notified before it is decided to discharge him, and no discharge shall be effected before there has been an opportunity to obtain the court's decision concerning further precautionary measures in accordance with this section. The perpetrator must not, however, be kept waiting for such a decision in the hospital for more than three months after the medical director has notified the prosecuting authority that he will be discharged.

7. If the perpetrator is not a Norwegian national, the Ministry concerned may, unless it has been otherwise provided by agreement with a foreign State, decide that he shall be deported instead of being subjected to precautionary measures pursuant to this section.

§39 a.

1. If the person indicted is guilty of more than one attempted or completed felony punishable pursuant to sections 148, 149, 152, second paragraph, 153, first, second or third paragraph, 154, 159, 160, 161, 174, 178, cf. 174, 192 to 198, 206, 207, 212, 217, 224, 225, 227, 230, 231, 233, 245, first paragraph, 258, 266, 267, 268 or 292, and the court has reason to assume that he will again commit a felony of the kind mentioned above, the court shall decide that he, after the sentence has wholly or partly been served, shall be kept in preventive detention for as long as is considered necessary.

The court shall determine a maximum period beyond which such preventive detention must not continue without the court's consent.

2. If the person indicted is a person with underdeveloped or impaired mental faculties, the court may decide that instead of a penalty and preventive detention pursuant to this section, preventive measures pursuant to section 39 shall be applied; such decision may also be made by the Ministry concerned.

3. The Ministry may decide that the convicted person shall be transferred from prison to preventive detention when at least one-third of the sentence imposed has been served.

4. The Ministry may release the convicted person on probation when the sentence imposed has been served, or when the sentence served and the preventive detention together have been at least as long as the prison term imposed. The Ministry may as a condition for the release require him to stay or prohibit him from staying at a specific place, order him to report at regular intervals to the police or an appointed supervisor, prohibit him from consuming alcoholic beverages, and order him to pay compensation and redress within his means to the aggrieved person.

If during the five years following his release on probation the convicted person has not committed any wilful felony, such release shall be final if he has complied with the prescribed conditions.

5. If the sentence fixed is partly executed, it is considered to be completed from the time the convicted person is released from preventive detention without being returned to prison.

6. If the perpetrator is not a Norwegian national, the Ministry concerned may, unless it has been otherwise provided by agreement with a foreign State, decide that he shall be deported when the sentence imposed has been served.

§ 39 b.

1. The prosecuting authority may institute proceedings pursuant to section 39 without demanding a penalty as long as the right to institute a prosecution is not time-barred. In such a case proceedings may be instituted regardless of whether the conditions prescribed in section 74 of the Criminal Procedure Act are fulfilled. An application from the aggrieved person is not necessary.

2. If in a criminal case no decision is made concerning preventive measures pursuant to section 39 or 39 a, the prosecuting authority may, when there are special reasons for doing so, bring this issue before the court not later than one year after the sentence has been served.
3. The King may issue further rules concerning the preventive measures mentioned in sections 39 and 39 a.

Chapter 3. Conditions governing criminal liability

§ 40. The penal provisions of this code are not applicable to any person who has acted unintentionally unless it is expressly provided or unambiguously implied that a negligent act is also punishable.

A misdemeanour consisting of an omission to act shall be punishable also when it is committed by negligence unless the contrary is expressly provided or unambiguously implied.

§ 41. In cases in which a superior cannot be punished for a misdemeanour committed by another person in his service, the subordinate can always be held criminally liable even if the penal provision according to its wording is only directed against the superior.

§ 42. If any person has committed an act in a state of ignorance concerning circumstances that determine criminal liability or increase the penalty for the said act, such circumstances shall not be attributable to him.

If the ignorance can be ascribed to negligence, in cases in which negligence is punishable the penalty prescribed for such negligence shall be applicable.

Error regarding the value of an object or the amount at which damages must be assessed shall only be taken into account when criminal liability is conditional thereon.

§ 43. When the law provides for an increased penalty in cases in which a criminal act entails some unforeseen consequence, such penalty shall only be applicable when the perpetrator could have foreseen the possibility of such a consequence, or if he has failed to prevent it to the best of his ability after he has become aware of the danger.

§ 44. An act is not punishable if committed when the perpetrator was insane or unconscious.

§ 45. Unconsciousness that is a consequence of self-induced intoxication (caused by alcohol or other means) shall not exclude punishment.

§ 46. No person may be punished for any act committed before reaching 15 years of age.

§ 47. No person may be punished for any act that he has committed in order to save someone's person or property from an otherwise unavoidable danger when the circumstances justified him in regarding this danger as particularly significant in relation to the damage that might be caused by his act.

§ 48. No person may be punished for an act committed in self-defence.

It is a case of self-defence when an otherwise criminal act is committed for the prevention of or in defence against an unlawful attack if the act does not exceed what appeared to be necessary for that purpose, and it must not be considered absolutely improper to inflict so great an evil as is intended by the act in view of the dangerousness of the attack, the guilt of the assailant, or the legal right assailed.

The above provision concerning the prevention of an unlawful attack is also applicable to acts performed for the purpose of effecting a lawful arrest or preventing a prisoner from escaping from prison or custody.

If any person has exceeded the limits of self-defence, he shall nevertheless not be liable to a penalty if such excess is due solely to emotional upset or consternation caused by the attack.

Chapter 3 a. Criminal liability of enterprises

§ 48 a. When a penal provision is contravened by a person who has acted on behalf of an enterprise, the enterprise may be liable to a penalty. This applies even if no individual person may be punished for the contravention.

By enterprise is here meant a company, society or other association, one-man enterprise, foundation, estate or public activity.

The penalty shall be a fine. The enterprise may also by a judgment be deprived of the right to carry on business or may be prohibited from carrying it on in certain forms, cf. section 29.

§ 48 b. In deciding whether a penalty shall be imposed on an enterprise pursuant to section 48 a, and in assessing the penalty vis-à-vis the enterprise, particular consideration shall be paid to

a) the preventive effect of the penalty,

b) the seriousness of the offence,

c) whether the enterprise could by guidelines, instruction, training, control or other measures have prevented the offence,

d) whether the offence has been committed in order to promote the interests of the enterprise,

e) whether the enterprise has had or could have obtained any advantage by the offence,

f) the enterprise's economic capacity,

g) whether other sanctions have as a consequence of the offence been imposed on the enterprise or on any person who has acted on its behalf, including whether a penalty has been imposed on any individual person.

Chapter 4. Attempt

§ 49. When a felony is not completed, but an act has been done whereby the commission of the felony is intended to begin, this constitutes a punishable attempt.

An attempt to commit a misdemeanour is not punishable.

§ 50. An attempt shall cease to be punishable if the offender, before he knows that the felonious activity has been discovered, of his own free will either desists from the felonious activity before the attempt has been completed or prevents the result that would constitute the completed felony.

§ 51. An attempt shall be punished by a milder penalty than a completed felony. The penalty may be reduced to less than the minimum provided for such felony and to a milder form of punishment.

The maximum penalty provided for the completed felony may be applied if the attempt has led to any such result as, if it had been intended by the offender, could have justified the application of so high a penalty.

Chapter 5. Suspended sentence and grounds for reducing or increasing the penalty

§ 52.

1. The court may in its judgment decide that determination or execution of the penalty shall be deferred for a period of probation. A decision to defer execution may only be made in regard to a custodial sentence or a fine.
2. If a custodial sentence is imposed, deferment of its execution may be limited to part of the sentence. The unsuspended part of the sentence shall then not be fixed at less than 14 days.
3. In addition to a suspended sentence the court may impose an unconditional fine. This applies even if fines are not prescribed as a penalty for the offence committed.
4. The provisions relating to a suspended sentence apply correspondingly to a writ giving the option of a fine or confiscation or both as far as they are appropriate.

§ 53.

1. Deferment pursuant to section 52 is conditional on the convicted person not committing any new criminal act during the probation period, and on his complying with conditions laid down pursuant to subsections 2 to 5 below. The convicted person shall be allowed to comment on the conditions beforehand.

   The probation period shall be determined by the court and shall usually be two years. In special cases a longer probation period may be fixed, but not one exceeding five years. The probation period shall be reckoned from the date final judgment is given.
2. The court may make it a condition for the deferment that the convicted person shall be subject to supervision during the probation period or part of the probation period. The period of supervision shall be one year unless the court decides otherwise. If the judgment applies to a criminal act to which the convicted person has confessed, it may be provided in the judgment that the supervision shall be commenced immediately even though the judgment is not final.

   The supervisor shall give the convicted person advice and guidance and shall try to help him to live an orderly life. The supervisor may order the convicted person to report to him at specified times and to keep him informed of his whereabouts. If conditions pursuant to subsections 3 and 5 have been imposed, the supervisor may order the convicted person to provide information that may ensure that compliance with the conditions can be controlled.
3. The court may also impose other conditions for the deferment, including the following:

a) that the convicted person shall comply with provisions concerning his place of abode, work, education or consorting with specified persons

b) that the convicted person shall comply with provisions concerning restrictions of his right to dispose of his income and property and concerning the fulfilment of economic obligations

c) that the convicted person shall abstain from using alcohol or other intoxicating or narcotic substances

d) that the convicted person shall undergo a cure to counteract abuse of alcohol or other intoxicating or narcotic substances, if necessary in an institution

e) that the convicted person shall undergo psychiatric treatment, if necessary in an institution

f) that the convicted person shall stay in a home or institution for up to one year. The court may leave it to the supervisory authority to make such provisions as are mentioned under litrae a and b.

4. As a condition for deferment the court shall order the convicted person to provide such compensation and redress for damage of a non-economic nature as the aggrieved person or other injured parties are entitled to and claim, and as the court thinks the convicted person has the capacity to pay.
5. As a condition for the deferment the court may decide that the convicted person shall make maintenance payments that are due or will fall due during the probation period.
6. The King may issue further rules concerning the carrying out of supervision and other conditions.

In special cases the court may decide that the supervision shall be performed by a specific person, by a public board, or by an organization.

§ 54.

1. When the circumstances of the convicted person so warrant, the court of summary jurisdiction may during the probation period by order abolish or alter conditions imposed and impose new conditions. If the court finds it necessary, it may also extend the probation period, but not to more than five years altogether.
2. If the convicted person seriously or repeatedly breaches conditions imposed, the court of summary jurisdiction may by a judgment decide that the sentence shall be wholly or partly executed. The judgment must be delivered within three months after the expiry of the probation period. If the convicted person has been subject to supervision, the supervisory authority shall make a report before judgment is delivered. The provisions concerning defence counsel and concerning arrest and remand in custody in section 100 and chapter 14 of the Criminal Procedure Act shall apply correspondingly.

   Instead of deciding that the sentence shall be executed, the court may in its judgment impose a new probation period and new conditions if it considers this more appropriate.
3. If the convicted person commits a criminal act during the probation period and an indictment is preferred or an application is made for the case to be adjudicated by the court of summary jurisdiction within six months after the expiry of the probation period, the court may impose a combined sentence for both acts or a separate sentence for the new act.

   If a separate sentence is imposed for the new act, the court may also alter the previously suspended sentence as provided in subsection 1.

§ 54 a. When a suspended sentence is read aloud to or served on the convicted person, he shall be informed of the meaning of a suspended sentence, what the conditions imply, and the consequences of their not being complied with. The judge may also give a warning and admonition when there is reason to do so in view of the age and other circumstances of the convicted person. The said person may be summoned to a special court sitting in order to receive such warning and admonition.

If supervision is imposed and the supervisory authority was not present when judgment was pronounced, the said authority shall immediately be informed of the judgment.

§ 55. For criminal acts committed before reaching 18 years of age imprisonment pursuant to section 17, first paragraph, litra b cannot be imposed, and the penalty may without altering the form thereof be reduced below the minimum prescribed for the act, and, when circumstances so indicate, to a milder form of penalty.

§ 56.

1. The court may reduce the penalty below the minimum prescribed for the act and to a milder form of penalty:
   a) when the act is committed in order to save someone's person or property but the limits for the right to do so pursuant to sections 47 and 48 have been exceeded;
   b) when the act is committed in justifiable anger, under compulsion or imminent danger or in a temporary state of severely reduced consciousness not caused by self-induced intoxication.
2. When the act is committed in a state of unconsciousness caused by self-induced intoxication (section 45), the penalty may under especially extenuating circumstances be reduced below the prescribed minimum unless the offender has become intoxicated with the intent to commit the act.

§ 57. If a person was ignorant of the illegal nature of an act at the time of its commission, the penalty may be reduced below the minimum prescribed for the act and to a milder form of punishment if the court does not find that he should be acquitted for this reason.

§ 58. Where two or more persons have cooperated for a criminal purpose, the penalty may be reduced below the minimum prescribed for the act and to a milder form of punishment for their part if the cooperation was essentially due to their dependence on any other guilty person or has been of little significance in comparison to that of others. When the penalty could otherwise have been restricted to fines and in the case of misdemeanours, it may be entirely remitted.

§ 59. The provisions of the foregoing section are also applicable to a person who, before he knew he was suspected, has as far as possible and substantially prevented the harmful consequences of the act or has restored the damage caused thereby or has reported himself and made a full confession.

§ 60. If the convicted person has been kept in custody pending trial, the judgment shall stipulate that the whole of this period shall be deducted from the sentence so that it may even be considered to have been completely served.

If community service is imposed, the deduction shall be made from the term of imprisonment in lieu of community service, while at the same time the number of hours of community service shall be reduced proportionally. If community service is imposed as well as a term of unconditional imprisonment, the deduction shall be made in the latter.

If the convicted person has been kept in custody abroad pending trial, the court will decide to what extent this period shall be deducted from the sentence.

§ 61. The provisions concerning an increased penalty in cases of repeated offences are only applicable to persons who have completed their 18th year at the time of the commission of the previous criminal act, and who have committed the new criminal act after the sentence for that previously committed has been fully or partly executed. Unless otherwise provided, there shall be no such increase if the new criminal act, if it is a felony, has been committed more than six years, and if a misdemeanour, more than two years, after the sentence for the previous offence has been served completely.

The court may allow previous sentences imposed in other countries to serve as a basis for an increased penalty in the same way as sentences imposed in Norway.

§ 62. If any person has by one or more acts committed more than one felony or misdemeanour punishable by imprisonment or detention, a joint custodial sentence shall be imposed which must be more severe than the highest minimum penalty prescribed for any of the felonies or misdemeanours and must in no case exceed the highest penalty prescribed for any of them by more than 50 per cent. The joint custodial penalty shall normally take the form of imprisonment when any of the criminal acts would have been punishable thereby.

The provisions of the first paragraph shall apply correspondingly if a joint sentence of community service is imposed. If community service is imposed as well as an unconditional sentence of imprisonment, in assessing the sentence of community service the unconditional sentence of imprisonment shall be taken into account.

If any of the felonies or misdemeanours should have been punished by imprisonment, the same supplementary penalties shall be imposed in the case of detention as would have applied in the case of imprisonment.

§ 63. If any person has by one or more acts committed more than one felony or misdemeanour punishable by fines, a joint fine shall be imposed which must be more severe than that which any one of the felonies or misdemeanours should have incurred.

The court may, when some of the felonies or misdemeanours should have been punished by a custodial sentence and others by fines, regard the felonies or misdemeanours for which fines are prescribed as aggravating circumstances instead of pronouncing sentence for them.

§ 64. If any person who has already been sentenced is convicted of a felony or misdemeanour committed before the sentence was pronounced, the provisions of sections 62 and 63 shall as far as possible be applied in determining the penalty. In this case a custodial sentence of less than 14 days may be imposed.

The provisions of the first paragraph shall also apply when the convicted person during the probation period following a suspended sentence is found guilty of a criminal act committed before the suspended sentence was pronounced. The court may then give a combined sentence for both acts or a separate sentence for the act last adjudicated. If a combined suspended sentence is given for both acts, the court will determine a new probation period, which is to run from the date final judgment is delivered in the new case.

§ 65. If a term of imprisonment is to be served in default of payment of a fine in relation to more than one sentence, that part of the custodial sentence which exceeds what could have been imposed in one sentence shall be remitted if the criminal acts were committed before any of them was adjudicated.

Chapter 6. Cessation of penalties and other sanctions

§ 66. An act is no longer punishable when the period of limitation pursuant to the provisions of sections 67 to 69 has expired.

Loss of public office may, however, be imposed even though any other penalty is time-barred.

§ 67. The period of limitation is:
two years when the maximum penalty prescribed is fines or imprisonment for a term not exceeding one year,
five years when the maximum penalty prescribed is imprisonment for a term not exceeding four years,
10 years when the maximum penalty prescribed is imprisonment for a term not exceeding 10 years,
15 years when a penalty for a specified period not exceeding 15 years may be imposed
25 years when imprisonment for a term not exceeding 21 years may be imposed.

Detention is deemed to be equivalent to imprisonment when calculating the limitation period.

The fact that fines or loss of civil rights may be imposed in addition to another penalty is of no significance when calculating the limitation period.

If any person has by the same act committed two or more offences which pursuant to the first paragraph should become time-barred at different times, the longest period of limitation shall apply to all the offences.

The period of limitation of criminal liability applicable to enterprises shall be calculated on the basis of the penalty scale for individual persons in the penal provision that has been contravened.

§ 68. The period of limitation begins to run from the date the criminal activity has ceased.

When criminal liability is dependent on or influenced by a subsequent effect, the period of limitation does not begin to run until the date on which such effect occurs. The same applies when the prosecution is dependent on the occurrence of a subsequent event.

If the criminal act is committed on a Norwegian ship outside the realm, the period of limitation begins to run from the date the ship arrives at a Norwegian port. The commencement date of the period of limitation cannot pursuant to this provision be postponed for more than one year.

§ 69. The running of the period of limitation is interrupted by any legal proceeding entailing that the suspect is given the status of a person charged. If the charge is made by a statement out of court or by the issuing of a writ giving the option of a fine or confiscation or both, the running of the period of limitation is interrupted by notification to the suspect that he has been charged. To such notification the provision of section 146, second paragraph, of the Courts of Justice Act shall apply correspondingly.

If the running of the period of limitation is interrupted in relation to any person who has acted on behalf of an enterprise, such interruption also applies to the enterprise.

If the prosecution is discontinued and the decision to do so is not reversed by a superior prosecuting authority within the time-limit for such reversal, the period of limitation will continue to run as if the prosecution had not taken place. The same applies if the prosecution is stopped indefinitely. If the prosecution is stopped because the person charged has evaded prosecution, the time spent on prosecution shall not be included in calculating when the period of limitation has expired.

§ 70. The periods of limitation prescribed in section 67 shall apply to confiscation, but in such a way that the period shall in no case be less than five years, and for confiscation of gains not less than 10 years.

The fact that an act cannot be punished because the period of limitation has expired does not prevent the institution of proceedings in order to get an accusation declared null and void in accordance with the provisions of sections 251 and 253.

§ 71. A custodial sentence shall cease to apply after the expiry of the following periods of limitation:
five years for imprisonment for a term not exceeding one year,
10 years for imprisonment for a term exceeding one year but not exceeding four years,
15 years for imprisonment for a term exceeding four years but not exceeding eight years,
20 years for imprisonment for a specified period exceeding eight years but not exceeding 20 years,
30 years for imprisonment for a term exceeding 20 years.

If the penalty is detention, the same periods of limitation as for imprisonment shall apply.

If execution of a prison sentence is partly deferred in accordance with section 52, subsection 2, the period of limitation shall run separately for the deferred and the undeferred part of the sentence.

If the custodial sentence has been shortened by release on probation, the period of limitation shall be calculated on the basis of the period of imprisonment remaining. The same applies when the execution is interrupted in any other way.

§ 72. The period of limitation shall run from the date the judgment is final.

If execution cannot be commenced because the convicted person is serving another custodial sentence in or outside the realm, the period of limitation shall not run during that period. The same applies when the convicted person is performing community service in or outside the realm in accordance with a court judgment.

If execution of the sentence is deferred by a suspended sentence or pardon, the period of limitation shall not run in the probation period.

§ 73. The running of the period of limitation pursuant to section 71 is interrupted when execution of the sentence is commenced or when the convicted person is arrested in order to ensure execution.

§ 73 a. A sentence of community service shall cease to apply on the expiry of the same periods of limitation as apply to a custodial sentence. The period of limitation shall be calculated according to the length of the alternative custodial sentence imposed pursuant to section 28 a, second paragraph. Sections 71, final paragraph final sentence, 72, 73 and 74, fourth paragraph, shall apply correspondingly in so far as they are appropriate.

§ 74. A fine imposed is time-barred three years after the decision becomes final. For fines exceeding 3000 kroner the period of limitation is five years.

Statutory limitation of a fine is of no import as regards an execution lien or any other security that is established before the expiry of the period of limitation.

If execution is deferred pursuant to any provision in a suspended sentence or through a pardon, the period of limitation shall not run during the probation period.

Imprisonment in default of payment of a fine shall be remitted after the periods of limitation mentioned in the first paragraph, unless execution of the sentence has been commenced before the expiry of the said period.

A confiscation order shall cease to apply after five years, but as regards confiscation of gains not before 10 years. The provision in the second paragraph shall apply correspondingly to claims for confiscation.

§ 75. Execution of sentence lapses with the death of the offender.

Claims for confiscation lapse with the death of the person liable. Proceedings for the confiscation of gains acquired by a criminal act may, however, be instituted.

A sentence of confiscation may be executed after the death of the convicted person if it is so decided by order of the court that has adjudicated the case at first instance, or by the court of summary jurisdiction when the option of confiscation given by a writ has been accepted. This only applies, however, to objects or amounts that constitute gains resulting from the criminal act or that correspond to such gains. The court may order confiscation of an amount instead of an object.

§ 76. Proceedings for a declaration that a statement is null and void cannot be instituted after the person who has made the statement is dead.

Chapter 7. The prosecution

§ 77. Criminal acts shall be subject to public prosecution unless it is otherwise provided.

§ 78. If the aggrieved person is under 18 years of age, an application for prosecution shall be made by the person or persons who have parental responsibility. If no one has parental responsibility, an application for prosecution shall be made by the guardian. If the aggrieved person is over 16 years of age, an application for prosecution cannot be made against his express wishes in cases relating to assault and defamation. If the aggrieved person has completed his 16th year, he may also himself apply for prosecution.

If the aggrieved person is mentally ill, his guardian, his spouse, parents and children of full age and legal capacity, or if he has no parents or children of full age and legal capacity, his grandparents may act in his stead.

If he is dead, his spouse, relatives in ascending or descending line, siblings and heirs may institute or apply for a prosecution.

In the event of any interference with property, any person who in accordance with a previous agreement has compensated or is obliged to compensate for the damage is also deemed to be an aggrieved person.

If the State has on the application of an aggrieved person wholly or partly compensated or undertaken to compensate for damage caused by the criminal act, the State shall also be deemed to be an aggrieved party.

§ 79. If the aggrieved person is a company, an association or a foundation, application for a public prosecution may be made by the board of directors. The board may empower a member of the board, the general manager, or any person who is authorized to sign for the company to apply for the public prosecution of criminal acts that have been committed or of any future criminal acts of a specified kind.

If the aggrieved person is an individual who is carrying on a business, the general manager or any person who is authorized to sign for the firm may be empowered as specified in the first paragraph as regards criminal acts connected with the business.

If an aggrieved person mentioned in the first or second paragraph is carrying on business outside his main office, as far as this part of the business is concerned, the local manager of the department or part of the business concerned, or a member of the departmental board may also be so empowered.

The right to apply for a prosecution on behalf of the State shall be exercised by the Ministry, which may so empower another public body or public servant as far as valuables or interests are concerned which the body or servant in question administers or supervises. If valuables are affected which are in the care of a State enterprise or public institution, the first and third paragraphs shall apply correspondingly. The Ministry may issue provisions concerning the right to delegate and the exercising of a right to apply for a prosecution pursuant to this paragraph and may in disputed cases decide who has such right.

If the aggrieved party is a county municipality or a municipality, an application for a public prosecution may be made by the county council or the municipal council respectively. The county council and the municipal council may so empower the county executive board, the chairman of the county council, or the county administrator and the municipal executive board, the chairman of the municipal council, the municipal administrator or deputy municipal administrator respectively, as well as the standing committee and head of the administrative branch in the county municipality or municipality. Such power may only be granted as far as valuables or interests are concerned which the body or person in question administers or supervises. The second sentence of the fourth paragraph shall apply correspondingly. The third paragraph shall apply correspondingly in cases where a municipality carries on any activity outside the municipality or a county municipality carries on any activity outside the county municipality.

If in the cases mentioned in section 78, first, second and third paragraphs, there is no one who is entitled to apply for a public prosecution, or if the criminal act is committed by someone who pursuant to the said provisions would have been entitled to apply for a public prosecution, such an application may be submitted by the county governor.

§ 80. An application for public prosecution must be submitted not later than six months after the person entitled to apply has acquired knowledge of the criminal act and who has committed it. In the case of a claim for a declaration of invalidity the corresponding time-limit is three years. Section 146 of the Courts of Justice Act shall apply correspondingly.

In the case of persons whose right to apply is based on sections 78 and 79, the time-limit does not begin to run until their right is established.

§ 81. The application for a public prosecution may be restricted to the person or persons who were the instigators of the decision to commit the felony.

Otherwise, in order that the application may be granted, it must not exclude any accomplice from prosecution; prosecution in an official capacity may be extended to accomplices who are not expressly excluded.

§ 82. The application may not be withdrawn after the indictment has been preferred.

When the offender has committed the criminal act against any of his next-of-kin, as well as in such cases as are dealt with in sections 409 to 412, the application may effectively be withdrawn at a later stage.

If the application for a prosecution is withdrawn, it cannot be re-submitted.

PART II FELONIES

Chapter 8. Felonies against the independence and safety of the State

§ 83. Any person who unlawfully attempts to cause or to be accessory to causing Norway or any part of the realm to be brought under foreign rule or incorporated into another State, or any part of the realm to be detached, shall be liable to detention for a term of not less than eight years or to imprisonment for a term of not less than eight years and not exceeding 21 years.

§ 84. Any person who unlawfully causes or is accessory to causing an outbreak of war or hostilities against Norway or any State allied with Norway in time of war shall be liable to detention for a term of not less than five years or to imprisonment for a term of not less than five years and not exceeding 21 years.

§ 85. Any person who contravenes any regulation issued by the King for maintenance of the neutrality of the realm in time of war between foreign powers, or who is accessory thereto, shall be liable to fines or to detention for a term not exceeding four years.

Under especially aggravating circumstances imprisonment for a term not exceeding four years may be imposed.

§ 86. Any person shall be liable to imprisonment for a term of not less than three years but not exceeding 21 years who in time of war or for the purpose of war

1) bears arms against or otherwise takes part in military operations against Norway,
2) supplies the enemy with information for use in such operations,
3) weakens Norway's ability to resist by destroying, damaging, or disabling installations or objects of importance for the country's war effort,
4) provokes or incites treachery, carries on propaganda activity for the enemy or spreads incorrect or misleading information which is likely to weaken the people's will to resist,
5) establishes, joins, takes an active part in or gives significant economic support to a party or organization which operates for the benefit of the enemy,
6) by acting as an informer or in any similar way contributes to any person being subjected to deprivation of liberty or any other injury by the enemy or any party or organization mentioned in item 5,
7) encourages, incites, is party to deciding or takes part in any lockout, strike or boycott which is illegal according to the labour or boycott legislation and weakens Norway's ability to resist,
8) participates in a wrongful manner in the enemy's administration of occupied Norwegian territory,
9) carries out or participates in a wrongful manner in commercial activities for the enemy,
10) otherwise unlawfully assists the enemy against Norway or weakens Norway's ability to resist,

or who is accessory thereto. If the offence is of minor importance, imprisonment for a term of less than three years may be imposed. The same penalty shall be imposed on any person who commits any such act against a State allied with Norway or at war with a common enemy.

These provisions are also applicable if the act is committed when military action is initiated against Norway or an attempt is made by a foreign power to occupy or attack Norwegian territory, or with such circumstances in mind.

No penalty shall be imposed on any Norwegian citizen residing abroad for any act that he is obliged to perform by the laws of the place where he resides.

§ 86 a. Any person who through gross negligence commits an offence mentioned in section 86 shall be liable to detention or imprisonment for a term not exceeding five years.

§ 86 b. Any person who, in a manner not covered by the provisions of section 86, assists the occupying power in a clearly wrongful manner during a forced occupation of Norwegian territory, or is accessory thereto, shall be liable to imprisonment.

If the act has caused heavy damage to the country or death, serious injury to body or health, great pain or lengthy deprivation of liberty to any person, imprisonment for a term not exceeding 21 years may be imposed.

§ 87. Any person shall be liable to detention or imprisonment for a term not exceeding four years who in time of war unlawfully

1. refuses to give a military officer any information he may possess regarding circumstances of importance for a military operation, or who is accessory thereto, or
2. provides shelter, support, or other assistance to an enemy spy, or
3. is accessory to the commission of any act contrary to military law which is punishable by imprisonment for a term of three years or a more severe penalty.

The same penalty shall apply to any person who commits such an act against a State allied with Norway or at war with a common enemy.

§ 88. Any person who in time of war fails to fulfil a contract relating to supplying or transporting military forces or any other matter of importance to military or civil defence, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding 10 years. If the act has resulted in severe damage to the defence of the realm or the death of or serious injury to the body or health of any person, imprisonment for a term not exceeding 21 years may be imposed.

If the default has occurred through negligence, the offender shall be liable to fines or to detention or imprisonment for a term not exceeding six months.

The same penalty shall apply to any person who commits any such act against a State allied with Norway or at war with a common enemy.

§ 89. Any person who acts against or neglects the interests of Norway during negotiations or the conclusion of a treaty with another State on Norway's behalf, or who by deceit or incitement is accessory thereto, shall be liable to detention or imprisonment for a term of not less than one year.

Any person committing any such offence through negligence shall be liable to fines or to detention for a term not exceeding two years.

§ 90. Any person who unlawfully causes or is accessory to causing the disclosure of anything that should have been kept secret in the interests of national security vis-à-vis another State shall be liable to detention or imprisonment for a term not exceeding three years, but not less than one year and not exceeding 10 years if the secret is betrayed to another State or considerable danger is caused.

If the offender has acted negligently, fines or detention for a term not exceeding one year shall be imposed.

If the secret was confided to the offender in his official capacity, the aforesaid custodial penalties may be increased by up to 50 per cent.

§ 91. Any person who unlawfully puts himself or another in possession of any such secret as is mentioned in section 90 with intent to disclose it, or is accessory thereto, shall be liable to detention or imprisonment for a term not exceeding two years, but not exceeding six years if the intent was to betray it to another State, or if the disclosure would cause considerable danger.

Any person who otherwise unlawfully puts himself or another in possession of any such secret shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

§ 91 a. Any person who secretly or by illegal means attempts to collect for the benefit of a foreign State information about political or personal matters whose disclosure to another State he knows or should understand may harm the interests of Norway or cause danger to the life, health, liberty, or property of any individual, or who is accessory thereto, shall be liable to detention or imprisonment for a term not exceeding two years.

§ 92. Any person who in time of war unlawfully publishes information about the armed forces or military operations when this has been prohibited, or who is accessory thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding two years.

§ 93. Any person who causes or is accessory to causing the falsification, destruction, or concealment of any document or other object which is of importance for the security or welfare of the realm shall be liable to imprisonment for a term of not less than two years and not exceeding eight years, but not exceeding 12 years if serious harm has thereby been caused.

§ 94. Any person who conspires with one or more persons for the purpose of committing any of the felonies mentioned in sections 83, 84, 86, 86 b, 88, 89 or 90, or any felony contrary to section 81 a of the Military Penal Code, cf. sections 83 and 86 of the present code, shall in the latter case be liable to imprisonment for a term of from one to 12 years and otherwise to detention or imprisonment for a term not exceeding 10 years, though in no case to a penalty exceeding two-thirds of the maximum penalty applicable to such a felony.

The same penalty shall apply to any person who

1) publicly encourages the commission of such a felony,
2) with the intent of committing such a felony has dealings with a foreign power,
3) with such intent usurps or exercises any military command, or assembles or keeps ready, or prepares to assemble or keep ready, soldiers or a group supplied with weapons or other equipment.
4) offers or undertakes to commit or receives money or other advantages for committing any such felony,
5) is accessory to any act mentioned in this section

§ 95. Any person who in the realm publicly insults the flag or national coat of arms of a foreign State, or who is accessory thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

The same penalty shall apply to any person who in the realm offends a foreign State by committing violence against or by threatening or offensive behaviour towards any representative of that State, or by intruding into, causing damage to, or soiling any building or room used by any such representative, or who is accessory thereto.

§ 96. Sections 102 and 103 shall apply correspondingly to any foreign head of state. Sections 99, 100 and 101 are likewise applicable if the foreign head of state is present in the realm with the consent of the Norwegian State authorities.

If the felonies mentioned in chapters 21, 22 and 23 are committed against the envoy of a foreign State while he is staying in the realm, the custodial penalties otherwise provided may be increased by up to 50 per cent.

§ 97. Any person who during the forced occupation of Norwegian territory wrongfully seeks or utilizes any connection with or protection from the occupying power or its helpers in order to obtain any benefit for himself or another or for the furtherance of other purposes, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding three years. Under extenuating circumstances fines may be imposed.

The penalty may be increased to imprisonment for a term not exceeding 21 years when a public authority is obstructed in its activity, or when there is serious interference with public servants, the press, associations, institutions or private persons, or when important public interests are otherwise endangered.

§ 97 a. Any Norwegian national or person resident in Norway who from a foreign power or any party or organization acting in its interests, receives for himself or for any party or organization in this country economic support to influence public opinion concerning the country's form of government or foreign policy or for party purposes, or who is accessory thereto, shall be liable to detention or imprisonment for a term not exceeding two years.

§ 97 b. Any person who against his better judgment or through gross negligence publicly spreads or reports to a foreign power false rumours or incorrect information which if they gain credence are likely to endanger the internal or external security of the realm, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding two years.

§ 97 c. For felonies contrary to the provisions of this chapter fines may be imposed in addition to custodial penalties.

Chapter 9. Felonies against the constitution of Norway and the head of state

§ 98. Any person who attempts to bring about any alteration of the constitution of Norway by illegal means, or is accessory thereto, shall be liable to detention or imprisonment for a term of not less than five years. If the act is committed by the use of armed force or by exploiting the fear of intervention by a foreign power, imprisonment for a term not exceeding 21 years may be imposed.

Fines may be imposed in addition to custodial penalties.

§ 99. Any person who by force, threats or other illegal means prevents the free exercise of authority by the King, the Regent, the Council of State, the Storting, or any of its divisions, the Supreme Court or the Court of Impeachment, or who is accessory thereto, shall be liable to detention or imprisonment for not less than one year.

Section 98, second and third sentences, shall apply correspondingly.

§ 99 a. Any person who by the use of armed force or by exploiting the fear of intervention by a foreign power obstructs public authorities in their activities, or seriously interferes with public servants, the press, associations or institutions, or otherwise endangers important public interests, or who is accessory thereto, shall be liable to detention or imprisonment for a term of not less than five years and not more than 21 years.

Fines may be imposed in addition to custodial penalties.

§ 100. Any person who brings about the death of the King or the Regent, or is accessory thereto, shall be liable to imprisonment for a term of 21 years.

The same penalty shall apply to an attempt.

§ 101. Any person who commits violence or any other assault against the King or the Regent, or is accessory thereto, shall be liable to imprisonment for a term of not less than two years. If serious injury to body or health is caused or attempted, imprisonment for a term not exceeding 21 years may be imposed.

Any person who defames the King or the Regent shall be liable to detention or imprisonment for a term not exceeding five years.

§ 102. If any felony mentioned in chapters 19,20,21,22 or 23 is committed against any member of the royal family, the custodial penalty prescribed for such felony may be doubled and imprisonment for a term not exceeding 21 years may be imposed if the usual penalty is as high as eight years' imprisonment.

§ 103. Prosecution of any defamation pursuant to sections 101 and 102 shall be initiated only by order of the King or with his consent.

§ 104. Any person committing acts of the kind mentioned in section 94 shall be liable to detention or imprisonment for a term not exceeding 10 years if he intended to commit a felony contrary to sections 98, 99 or 99 a, but to imprisonment for a term of from one to 12 years if he intended to commit a felony contrary to section 100 or contrary to section 81 a of the Military Penal Code, cf. sections 98 and 99 of the present code.

§ 104 a. Any person who forms or takes part in a private organization of a military character or who supports any such organization shall be liable to imprisonment for a term not exceeding two years. If the organization or its members control supplies of arms or explosives or if there are other especially aggravating circumstances, the penalty shall be imprisonment for a term not exceeding six years.

The same penalty shall apply to any person who forms, takes part in or supports any association or organization whose aim is to disturb the social order or to obtain influence in public affairs by sabotage, the use of force or other illegal means.

Chapter 10. Felonies concerning the exercise of civil rights

§ 105. Any person who by threats, by doing or promising a favour, by false inducements or by other improper means seeks to influence another person's behaviour or voting in public affairs or to prevent another person from voting, or who is accessory thereto, shall be liable to detention for a term not exceeding three years. Under especially extenuating circumstances, fines may be imposed.

§ 106. Any person who when voting in public affairs votes in a certain way or abstains from voting or promises to vote in a certain way or to abstain from voting because of any favour agreed upon or received shall be liable to fines or imprisonment for a term not exceeding six months.

§ 107. Any person who by false pretences unlawfully gets himself or another recognized as eligible to vote in public affairs or who fraudulently gets himself or another admitted to illegitimate participation in voting in such affairs, or who is accessory thereto, shall be liable to detention for a term not exceeding three years.

The same penalty shall apply to any person who by unlawful conduct causes or is accessory to causing another person to vote otherwise than he intended to do, or to cast an invalid vote, or to abstain from voting.

Under especially extenuating circumstances, fines may be imposed.

§ 108. Any person who by unlawful conduct causes or is accessory to causing the result of voting in public affairs to be distorted or lost, or any vote cast not to be counted shall be liable to detention for a term not exceeding four years.

§ 109. (Repealed by Act of 22 May 1953 No. 3.)

Chapter 11. Felonies in the public service

§ 110. A judge, juror, or assessor who in such capacity acts against his better judgment shall be liable to imprisonment for a term not exceeding five years.

If he thereby caused or was accessory to causing any person to be wrongfully subjected to a penalty or to a greater penalty than he deserved, he shall be liable to imprisonment for a term of not less than two years.

If the felony has resulted in the execution of a death sentence or the serving of a custodial sentence for more than five years, imprisonment for a term not exceeding 21 years may be imposed.

§ 111. If a public servant demands for himself or another public servant or for the public authorities any unlawful tax, duty or remuneration for services rendered or receives what is mistakenly offered to him as due in this respect, he shall be liable to imprisonment for a term not exceeding five years.

If he keeps what he has received in good faith after his attention has been drawn to the mistake, he shall be liable to fines, loss of office, or imprisonment for a term not exceeding three months.

§ 112. A public servant who for the performance or omission of an official act demands or receives for himself or another any unlawful favour or promise thereof, knowing that this is given or promised to influence his conduct in his official capacity, shall be liable to fines, loss of office, or imprisonment for a term not exceeding six months.

§ 113. If the act or omission referred to in section 112 for which the favour was received or promised was in breach of duty, or if the public servant has refused to perform an official act in order to extort such a favour for himself or another, he shall be liable to imprisonment for a term not exceeding five years.

The same penalty shall apply to any person who receives a favour knowing that it is given to him in return for having performed an official act in breach of his duty.

§ 114. If a judge, juror, assessor, or expert demands or receives for himself or another any unlawful favour or the promise thereof for acting or having acted in such capacity for or against the interests of any of the parties to a legal dispute, he shall be liable to imprisonment for a term not exceeding eight years.

These provisions also apply to arbitrators if the arbitration award has the force of a court judgment.

§ 115. A public servant who in criminal proceedings uses illegal means in order to obtain evidence to a specific effect or a confession, shall be liable to fines, loss of office or detention for a term not exceeding two years.

§ 116. A public servant who carries out an illegal search of any house or person or an illegal seizure of any letter or telegram shall be liable to fines, loss of office, or detention for a term not exceeding two years.

§ 117. A public servant who illegally confines, imprisons, arrests or otherwise deprives of liberty, expels or deports any person shall be liable to imprisonment for a term not exceeding six years.

A public servant who illegally executes a death sentence shall be liable to imprisonment for a term of not less than two years but not exceeding 21 years.

Under especially extenuating circumstances, namely when the felony consists solely of disregarding the statutory procedure or exceeding the authority vested in the public servant concerned, fines, loss of office or detention for a term not exceeding two years may be imposed.

§ 118. A public servant who by abuse of his office prevents any person's being legally convicted or sentenced to a deserved penalty, or who, except in prescribed cases or in the manner authorized by law, omits to prosecute an offence, shall be liable to loss of office or to detention or imprisonment for a term not exceeding three years.

Under especially extenuating circumstances fines may be imposed.

§ 119. A public servant who by dereliction of his official duty causes the escape of a person charged or convicted, or any failure to enforce a penalty imposed, or enforcement of a milder penalty than that imposed shall be liable to loss of office or to detention or imprisonment for a term not exceeding five years.

Under especially extenuating circumstances fines may be imposed.

§ 120. If a public servant in any record pertaining to his office makes a false entry or conceals the truth, or if he in preparing any official copy, telegram or telephone message or in stamping, marking or any other official attestation which is issued to serve as evidence makes or attests any false statement or conceals the truth, he shall be liable to loss of office or to imprisonment for a term not exceeding three years, but not exceeding six years if he has acted for the purpose of obtaining for himself or another an unlawful gain or injuring any person.

§ 121. Any person who wilfully or through gross negligence violates a duty of secrecy which in accordance with any statutory provision or valid directive is a consequence of his service or work for any state or municipal body shall be liable to fines or imprisonment for a term not exceeding six months.

If he commits such breach of duty for the purpose of acquiring for himself or another person an unlawful gain or if for such a purpose he in any other way uses information that is subject to a duty of secrecy, imprisonment for a term not exceeding three years may be imposed.

This provision also applies to any breach of the duty of secrecy committed after the person concerned has concluded his service or work.

§ 122. A public servant who illegally opens or permits any person to open a letter entrusted to him by virtue of his office shall be liable to loss of office or to imprisonment for a term not exceeding three years, but not exceeding six years if he commits the felony for the purpose of obtaining an unlawful gain for himself or another person.

§ 123. If a public servant misuses his position so as to violate any person's right by performing or omitting to perform an official act, he shall be liable to fines or to loss of office or to imprisonment for a term not exceeding one year.

If he has acted for the purpose of obtaining an unlawful gain for himself or another person, or if serious injury or violation of rights has been wilfully caused by the felony, imprisonment for a term not exceeding five years may be imposed.

§ 124. A public servant who unlawfully uses his office to induce or to attempt to induce any person to do, tolerate or omit to do anything shall be liable to fines or loss of office.

§ 125. A public servant who misleads or incites any official subordinate to him or under his supervision in the public service to commit a felony in this service, or who assists him therein or knowingly lets him commit such felony, or who abuses his office to incite another public servant to commit a felony in the public service or to assist him therein shall be liable to the same penalty as the latter.

Such penalty shall apply regardless of whether the other public servant is not criminally liable because of good faith or for any other reason.

§ 126. (Repealed by Act of 22 May 1953 No. 3.)

Chapter 12. Felonies against public authority

§ 127. Any person who by violence seeks to induce a public servant to perform or omit to perform an official act or to obstruct any such performance, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding three years, but not exceeding five years if he has previously been sentenced for a felony of a violent nature, or if he commits the felony in concert with another person.

If the public servant has through improper conduct caused the felony, fines or imprisonment for a term not exceeding one year may be imposed. Under especially extenuating circumstances, the penalty may be remitted.

Railway employees, military guardsmen, and any person who in the course of duty or on request assists a public servant shall be regarded as public servants.

In the event of reciprocity the King may decide that the above penalties shall also be applicable to felonies against the public authorities of another country.

§ 128. Any person who by threats or by granting or promising a favour seeks to induce a public servant illegally to perform or omit to perform an official act, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

The provisions of the previous section, third and fourth paragraphs, shall apply correspondingly.

§ 129. Any person who without being so authorized exercises any public authority, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding six months, but not exceeding two years if he has acted for the purpose of obtaining an unlawful gain for himself or another or of injuring another person.

§ 130. Any person shall be liable to fines or to detention or imprisonment for a term not exceeding one year who against his better judgment publicly attributes to any of the State authorities or any other public authority acts that they have not committed, or who gives a misleading account of the circumstances under which or the way in which they have acted, or who is accessory thereto.

If the incorrect allegation is made with intent to harm the general reputation of the authority concerned, the same penalty shall also apply when the allegation is made with gross negligence.

If the felony is committed against the Storting, one of its divisions, committees or officials, a prosecution will only be instituted on the application of the Storting. Otherwise a prosecution will be instituted on the application of the government ministry concerned or pursuant to the King's decision.

§ 131. Any person who brings it about or is accessory to bringing it about that another person who has been convicted of or charged with a criminal offence and legally detained is unlawfully released or escapes from a place of custody or from his custodian shall be liable to detention or imprisonment for a term not exceeding three years, but not exceeding five years if it is a case of a prisoner who has been convicted of or charged with a felony that is punishable with imprisonment for a term not exceeding 21 years.

Under especially extenuating circumstances fines may be imposed.

§ 132. Any person shall be liable to fines or to detention or imprisonment for a term not exceeding two years who with intent to obstruct any public investigation undertaken or to be undertaken concerning any criminal offence causes or is accessory to causing the destruction, concealment or distortion of any object of importance to any such investigation, or otherwise obliterates any traces of the offence.

The same penalty shall apply to any person who causes or is accessory to causing another person to evade prosecution or any penalty for a criminal offence, preventive supervision, preventive detention, forced labour or treatment in a reformatory, by escape, concealment, or disguise.

No penalty shall apply to any person who has acted with intent to evade or to enable any of his next-of-kin to evade prosecution, punishment, preventive supervision, preventive detention, forced labour, or treatment in a reformatory.

§ 133. Any person who without the King's permission recruits troops in the realm for foreign military service, or who is accessory thereto, shall be liable to fines or to detention for a term not exceeding one year.

§ 134. Any person who with intent to evade military service in Norway renders himself unfit for such service by mutilation or in any other way, or who is accessory to intentionally rendering another person unfit for military service, shall be liable to imprisonment for a term not exceeding one year.

Any person shall be liable to fines or to detention or imprisonment for a term not exceeding one year who is accessory to the desertion or failure to report for military service of a person who has been drafted into the Norwegian armed forces, or to the commission of a criminal offence punishable according to military law with imprisonment for a term of two years or a more severe penalty.

The penalty prescribed in the second paragraph shall also apply to any person who publicly seeks to arouse in any member of the armed forces aversion to military service or hatred for military superiors or senior officers.

Chapter 13. Felonies against the general order and peace

§ 135. Any person who endangers the general peace by publicly insulting or provoking hatred of the Constitution or any public authority or by publicly stirring up one part of the population against another, or who is accessory thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

§ 135 a. Any person shall be liable to fines or imprisonment for a term not exceeding two years who by any utterance or other communication made publicly or otherwise disseminated among the public threatens, insults, or subjects to hatred, persecution or contempt any person or group of persons because of their creed, race, colour or national or ethnic origin. The same applies to any such offensive conduct towards a person or a group because of their homosexual bent, life-style, or inclination.

The same penalty shall apply to any person who incites or is otherwise accessory to any act mentioned in the first paragraph.

§ 136. Any person who causes the occurrence of a riot with intent to use violence against persons or property or to threaten therewith, or who is accessory to bringing about such a riot, or who during a riot in which such intent is revealed acts as a leader, shall be liable to imprisonment for a term not exceeding three years.

If during a riot any such felony against persons or property is committed as is thereby intended, or is revealed by the participants therein to be intended, or if any felony against public authority is committed, the above-mentioned persons as well as any person participating in the felony shall be liable to imprisonment for a term of not less than two months and not more than five years, but to the penalty provided for the felony increased by up to 50 per cent if a more severe penalty thereby results.

§ 137. Any person who remains present or is accessory to another person remaining present in such a riot as is mentioned in section 136 after an order to leave peacefully has been pronounced by the authorities shall be liable to imprisonment for a term not exceeding three months, but not exceeding two years if while he is present any felony is committed against the public authorities or any such felony against persons or property as is intended by the riot, or is revealed by the participants therein to be intended.

§ 138. Any person who causes or is accessory to causing the unlawful prevention or interruption of a public function, public religious meeting, ecclesiastical act, public instruction or teaching in schools, an auction or a public meeting called for a common purpose, shall be liable to fines or imprisonment for a term not exceeding six months.

§ 139. Any person shall be liable to fines or to detention or imprisonment for a term not exceeding one year who omits to try to prevent, by timely warning to the proper authorities or otherwise, any mutiny, war-time treason, espionage, or plot for the purpose of desertion punishable according to military law, or any felony contrary to the Act relating to defence secrets, sections 1, 2, 3 or 4, or any felony mentioned in this code, sections 83, 84, 86, 87, item 2, 90, 91, 92, 93, 94, 98, 99, 99 a, 100, 104 a, 148, 149, 150, 151 a, 152, 153, 154, 159, 169, 192, 195, 207, 209, 217, 223 second paragraph, 225, 231, 233, 234, 243, 267, 268 or 269, or the results of any such felony, although he has received reliable information that the felony was impending or being committed at a time when the felony or its consequences could still have been prevented. In the case of a felony contrary to sections 207 and 209, however, such obligation only applies when the aggrieved person is under 16 years of age.

A person shall not, however, be liable to a penalty if the felony is not completed or no punishable attempt is made, or if it could not be prevented without exposing himself, or one of his next-of-kin or an innocent person to prosecution or danger to life, health, or welfare.

Any superior who has omitted to prevent a felony committed in his service, as far as he was able to do so, shall be liable to the same penalty, but in no case shall the penalty exceed the penalty prescribed for the felony.

§ 140. Any person who publicly urges or instigates the commission of a criminal act or extols such an act or offers to commit or to assist in the commission of it, or who is accessory to such urging, instigation, extolling, or offer, shall be liable to fines or to detention or imprisonment for a term not exceeding eight years, but in no case to a custodial penalty exceeding two-thirds of the maximum applicable to the act itself.

Criminal acts shall here include acts the commission of which it is criminal to induce or instigate.

§ 141. Any person who by false inducements or other underhand conduct misleads another person to emigrate from the realm, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

§ 142. Any person who by word or deed publicly insults or in an offensive or injurious manner shows contempt for any creed whose practice is permitted in the realm or for the doctrines or worship of any religious community lawfully existing here, or who is accessory thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding six months.

A prosecution will only be instituted when the public interest so requires.

§ 143. Any person who mistreats a corpse or unlawfully takes possession of a corpse in another's custody, or who without authority exhumes or removes a buried corpse, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding two years. Under especially extenuating circumstances fines may be imposed.

Any person who removes a corpse or takes any object from a corpse, a grave, or a monument with the intent of obtaining by such appropriation an unlawful gain for himself or another, or who is accessory thereto, shall be punished according to the provisions of chapter 24, regardless of whether the corpse or the object belongs to any person.

§ 144. Clergymen of the Church of Norway, priests or pastors in registered religious communities, lawyers, defence counsel in criminal cases, conciliators in matrimonial cases, medical practitioners, psychologists, chemists, midwives and nurses, as well as their subordinates or assistants, who unlawfully reveal secrets confided to them or their superiors in the course of duty, shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will only be instituted when requested by the aggrieved person or required in the public interest.

§ 145. Any person who unlawfully opens a letter or other closed document or in a similar manner gains access to its contents, or who breaks into another person's locked repository shall be liable to fines or imprisonment for a term not exceeding six months.

The same penalty shall apply to any person who by breaking a protective device or in a similar way unlawfully obtains access to data or software which are stored or transferred by electronic or other technical means.

If damage is caused by the acquisition or use of such unauthorized knowledge, or if the felony is committed for the purpose of obtaining for any person an unlawful gain, imprisonment for a term not exceeding two years may be imposed.

Accomplices shall be liable to the same penalty.

A public prosecution will only be instituted when the public interest so requires.

§ 145 a. Any person shall be liable to fines or imprisonment for a term not exceeding six months who

1. by means of concealed auditory apparatus listens in to any telephone conversation or other conversation between other persons, or to proceedings in a closed meeting in which he is not himself participating, or
2. by means of a tape-recorder or other technical device secretly records any such conversation as is mentioned above or any proceedings in a closed meeting in which he is not himself participating, or to which he has gained admission by false pretences or by stealth, or
3. furnishes any auditory apparatus, tape-recorder, or other technical device for the above-mentioned purpose.

Accomplices shall be liable to the same penalty.

A public prosecution will only be instituted when the public interest so requires.

§ 146. Any person who unlawfully causes or is accessory to causing a written message addressed to another person not to be delivered or not to reach in good time the person concerned, by destroying it, concealing it, or keeping it back, shall be liable to fines or imprisonment for a term not exceeding one year.

If the offender causes damage by the felony, or if he has acted with the intent of obtaining an unlawful gain for himself or another, imprisonment for a term not exceeding three years may be imposed.

A public prosecution will only be instituted when requested by the aggrieved person.

§ 147. If any person unlawfully breaks into or assists another to break into a building, vessel, railway carriage, motor vehicle, or aircraft or into any room therein or into a closed courtyard or similar storage place or place of abode by damaging any object designed for protection against intruders, or by means of a picklock, false key, or key unlawfully taken from the possessor, is guilty of burglary.

Any person who is guilty of burglary, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding one year. If the felony is committed by an armed person, or by two or more persons in association, imprisonment for a term not exceeding two years may be imposed, but not exceeding four years if it is committed with the intent to prepare the way for another felony.

The same penalty shall apply to any person who by violent or threatening conduct seeks forcibly to gain for himself or another unlawful admission to or to remain in such a place, or who unlawfully sneaks into an inhabited building or room which is usually kept closed at night for the purpose of being locked in there, or who by means of a disguise or a pretence or misuse of some public capacity or order, or by use of a document that is false or belongs to another person, obtains for himself or another unlawful admission to or an opportunity to remain in an inhabited building or room, or is accessory thereto.

Chapter 14. Felonies against public safety

§ 148. Any person who causes any fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident which may easily result in loss of human life or extensive destruction of another person's property, or who is accessory thereto, shall be liable to imprisonment for a term of not less than two years and not more than 21 years, but not less than five years if as a result of the felony any person dies or is seriously injured in body or health.

The same penalty may apply to an attempt as to a completed felony.

§ 149. Any person who tries to hinder the prevention or combating of any such accident as is referred to in section 148 when it occurs or when he knows that it is imminent, by destruction, damage, or removal of equipment or otherwise, or is accessory thereto, shall be liable to imprisonment for a term of not less than one year.

§ 150. Any person shall be liable to imprisonment for a term not exceeding six years who brings about any such danger as is mentioned in section 148

a) by omitting to perform any special duty incumbent on him,
b) by unlawfully destroying, removing or damaging any object or guiding signal,
c) by giving or setting a false signal,
d) by placing any obstruction in a seaway,
e) by interfering with the safe operation of a ship, railway, aircraft or any installations or constructions on the continental shelf, or
f) by being accessory to any such conduct as is mentioned under litrae a to e

If any such accident as is mentioned in section 148 is caused, imprisonment for a term not exceeding 12 years shall be imposed.

An attempt shall be liable to the same penalty as a completed felony.

If any person has committed any of the above-mentioned acts without being aware of the danger or negligently, he shall be liable to fines or imprisonment for a term not exceeding one year.

§ 151. If any such fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident as is referred to in section 148 is caused by negligence, the offender shall be liable to fines or imprisonment for a term not exceeding three years.

§ 151 a. Any person who on board a ship or aircraft by violence, threats or otherwise unlawfully and forcibly takes control of the vessel or aircraft or otherwise interferes with its sailing or flying shall be liable to imprisonment for a term of not less than two years and not more than 21 years. The same penalty shall apply to any person who by similar means unlawfully and forcibly takes control over any installation or construction on the continental shelf. Under especially extenuating circumstances the penalty may be reduced below the prescribed minimum.

Accomplices shall be liable to the same penalty.

An attempt may be liable to the same penalty as a completed felony.

§ 151 b. Any person who by destroying, damaging, or putting out of action any data collection or any installation for supplying power, broadcasting, telecommunication, or transport causes comprehensive disturbance in the public administration or in community life in general shall be liable to imprisonment for a term not exceeding 10 years.

Negligent acts of the kind mentioned in the first paragraph shall be punishable by fines or imprisonment for a term not exceeding one year.

Accomplices shall be liable to the same penalty.

§ 152. Any person who unlawfully adds noxious substances to reservoirs or water-courses from which drinking-water is supplied to people or livestock, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding five years.

If general danger is thereby caused to human life or health, the penalty shall be imprisonment for a term not exceeding 21 years, and if any person's death or serious injury to body or health results, imprisonment for a term of not less than one year and not more than 21 years.

Negligent acts of the kind mentioned in the preceding paragraph shall be punishable by fines or imprisonment for a term not exceeding one year.

§ 152 a. Any person who without lawful permission receives, possesses, uses, transfers, alters, disposes of or distributes any material consisting of or containing plutonium or uranium and thereby causes a risk of damage to any person's body, health, property or living environment, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding four years.

Any person who causes any such risk mentioned in the first paragraph as may easily cause loss of human life or extensive destruction of another person's property shall be liable to the penalty prescribed in section 148. Accomplices shall be liable to a similar penalty.

§ 152 b. Any person shall be liable to imprisonment for a term not exceeding 10 years who wilfully or by gross negligence

(1) pollutes air, water, or soil so that considerable harm or the threat of such harm is inflicted on the environment in an area, or

(2) stores, leaves or empties waste or other substances with imminent risk of such consequences as are mentioned in item (1).

If any person's death or considerable harm to body or health has resulted therefrom, imprisonment for a term not exceeding 15 years may be imposed.

Any person shall be liable to imprisonment for a term not exceeding six years who wilfully or by gross negligence

(1) diminishes a natural population of protected living organisms which nationally or internationally are threatened by extinction, or

(2) inflicts considerable harm on an area that is protected by a decision pursuant to chapter II of the Nature Conservation Act, or section 7 of the Wildlife Act, or pursuant to section 4 of the Act relating to Svalbard, section 2 of the Act relating to Jan Mayen or section 2 of the Act relating to Bouvet Island, Peter I's Island and Dronning Maud's Land, etc., or

(3) inflicts considerable harm on cultural environments of particular national or international importance.

An accomplice shall be liable to the same penalty as is otherwise specified in this section.

§ 153. Any person who adds poison or other such substances to any product intended for general use or sale so that the product cannot be used for the purpose intended without causing a person's death or injuring his health, or who otherwise causes any poisoning that involves general danger to life or health, or is who accessory thereto, shall be liable to imprisonment for a term not exceeding 21 years.

The same penalty shall apply to any person who, while concealing the nature of the products, sells, offers for sale or otherwise tries to distribute such products to which poisonous or other dangerous substances have been added as mentioned above, or who is accessory thereto.

If any person's death or serious injury to his body or health is thereby caused, the penalty shall be imprisonment for a term of not less than one year and not more than 21 years.

Any person who, while concealing the nature of the products, offers for sale, sells or otherwise tries to distribute as foodstuff for people or livestock or for other use products which are likely to injure health when used as intended, shall be liable to imprisonment for a term not exceeding five years. Accomplices shall be liable to the same penalty.

Negligent acts of the kind referred to in the first paragraph shall be punishable by fines or imprisonment for a term not exceeding one year.

§ 153 a. Any person shall be liable to imprisonment for a term not exceeding 10 years who develops, produces, stores or otherwise obtains or possesses:

1. bacteriological or other biological substances or toxins regardless of their origin or method of production, of such a kind and in such quantities that they are not justified for preventive, protective or other peaceful purposes, or
2. weapons, equipment or means of dissemination made for using such substances or toxins as are mentioned in item 1 for hostile purposes or in armed conflict.

Accomplices shall be liable to the same penalty.

§ 154. Any person who causes or is accessory to causing the introduction or general spreading of a dangerous contagious disease among people, livestock, or plants shall be liable to imprisonment for a term not exceeding 10 years. Under especially extenuating circumstances fines may be imposed.

If such an act as is mentioned in the first paragraph has caused a person's death or serious injury to his body or health, the penalty shall be imprisonment for a term of not less than five years and not more than 21 years.

§ 155. Any person who knowing or presuming that he is suffering from a contagious venereal disease infects or exposes another person to infection by physical intercourse or an indecent act shall be liable to imprisonment for a term not exceeding three years.

The same penalty shall apply to any person who, knowing or presuming that another person is suffering from a contagious venereal disease, is accessory to the said person infecting or exposing any other person to infection by such conduct as is mentioned above.

If the person infected or exposed to infection is the spouse of the offender, a public prosecution will only be instituted at the former's request.

§ 156. Any person who contravenes the regulations legally prescribed for the prevention or combating of contagious disease, knowing that he thereby causes a risk of the disease being introduced or generally spreading among people or livestock, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding two years, but not exceeding four years if as a result thereof any person dies or receives serious injury to body or health.

§ 157. Any person who knowing that he thereby endangers the life or health of others

1. sells, offers for sale or otherwise tries to distribute among the public as medicine or prophylactics any products that are devoid of the qualities stated, or
2. in medical practice employs any method of treatment which is unsuitable for curing or counteracting disease,

shall be liable to imprisonment for a term not exceeding six years, but not less than one year if any person's death or serious injury to body or health is thereby caused.

The same penalty shall apply to any person who is accessory to such conduct.

§ 158. Any person who by breach of any obligations he has assumed or by spreading false rumours brings about famine or scarcity of necessites, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding eight years.

§ 159. Any person who conspires with anyone with the intent to commit or be accessory to any of the felonies or kinds of felony referred to in sections 148, 151 a, 152 second paragraph, 153 first, second or third paragraph, or 154, shall be liable to imprisonment for a term not exceeding 10 years.

§ 160. Any person who publicly gives or offers instruction in the use of explosives or poison as a means to commit felonies, or who threatens to commit or publicly incites to the commission of felonies by such means, or who is accessory to any such felony, shall be liable to imprisonment for a term not exceeding 10 years.

§ 161. Any person who acquires, manufactures or stores explosives or special tools for the manufacture or use thereof with intent to commit a felony thereby shall be liable to imprisonment for a term not exceeding six years.

The same penalty shall apply to any person who is accessory to the acquisition, manufacture or storing of explosives or such tools if he knows or must assume that they are designed for the commission of a felony.

§ 162. Any person who unlawfully manufactures, imports, exports, acquires, stores, sends or conveys any substance that by statutory provision is deemed to be a drug shall be guilty of a drug felony and liable to fines or imprisonment for a term not exceeding two years.

An aggravated drug felony shall be punishable by imprisonment for a term not exceeding 10 years. In deciding whether the offence is aggravated special importance shall be attached to what sort of substance is involved, its quantity, and the nature of the offence.

If a very considerable quantity is involved in the offence, the penalty shall be imprisonment for a term of not less than three and not more than 15 years. Under especially aggravating circumstances imprisonment for a term not exceeding 21 years may be imposed.

A drug felony committed negligently shall be punishable by fines or imprisonment for a term not exceeding two years.

Complicity in a drug felony shall be punishable as otherwise provided in this section.

Fines may be imposed in addition to imprisonment.

§ 162 a. (Repealed by Act of 11 June 1993 No. 76.)

§ 162 b. Any person who unlawfully manufactures, imports, exports, stores, sends or conveys any substance that pursuant to provisions made by the King is deemed to be a means of doping shall be guilty of a doping felony and liable to fines or imprisonment for a term not exceeding two years.

The penalty for an aggravated doping felony shall be imprisonment for a term not exceeding six years. In deciding whether the offence is aggravated, special importance shall be attached to what sort of substance is concerned, its quantity and the nature of the offence.

The penalty for a negligent doping felony shall be fines or imprisonment for a term not exceeding two years.

The penalty for complicity in a doping felony or in the use of a means of doping as specified in the first paragraph shall be as otherwise provided in this section.

Chapter 15. False testimony

§ 163. Any person who gives false testimony in court after making an affirmation shall be liable to imprisonment for a term not exceeding five years.

The same penalty shall apply to any person who gives false testimony outside court after making an affirmation in cases in which the use of an affirmation is legally authorized.

§ 164. (Repealed by Act of 14 June 1985 No. 71.)

§ 165. The penalty prescribed in section 163 shall also apply to any person who causes or is accessory to causing testimony known to him to be false to be given by another person after making an affirmation in a case mentioned in the said section.

§ 166. Any person shall be liable to fines or imprisonment for a term not exceeding two years who gives false testimony in court or before a notary public or in any statement presented to the court by him as a party to or legal representative in a case, or who orally or in writing gives false testimony to any public authority in a case in which he is obliged to give such testimony, or where the testimony is intended to serve as proof.

The same penalty shall apply to any person who causes or is accessory to causing testimony known to him to be false to be given by another person in any of the above-mentioned cases.

§ 167. No penalty pursuant to sections 163 and 166 shall be applicable to any person who when charged with a criminal offence has given false testimony.

The same applies when any person gives false testimony if he could not tell the truth without exposing himself or any of his next-of-kin to a penalty or loss of public esteem. Any person who has given false testimony after making an affirmation in such a case shall nevertheless be liable to fines or imprisonment for a term not exceeding two years. If the person concerned had a duty to testify despite the fact that this could expose him or any of his next-of-kin to loss of public esteem, sections 163 and 166 shall apply in the ordinary way.

Section 166 shall not be applicable to statements concerning circumstances which form the basis for taxation.

Chapter 16. False accusation

§ 168. Any person who by false accusation, report, or testimony before a court, the prosecuting authority or any other public authority, or by distortion or removal of evidence or by procurement of false evidence or otherwise against his better judgment attempts to get another person charged with or convicted of a criminal offence, or who is accessory thereto, shall, if such offence is a felony, be liable to imprisonment for a term of not less than six months and not more than eight years, and, if the offence is a misdemeanour, to imprisonment for a term not exceeding four years.

§ 169. If by reason of any such felony as is mentioned in section 168 any person has received a custodial sentence that has wholly or partly been served, or a death sentence, the offender shall be liable to imprisonment for a term of not less than one year.

If as a result of the felony a death sentence has been executed or a custodial sentence has been served for more than five years, the offender may be liable to imprisonment for a term not exceeding 21 years.

§ 170. Any person who without reasonable ground for suspicion makes an accusation or report against another person in regard to a criminal offence to the court or the prosecuting authority, or who misleads another person into making such an accusation or report, shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

A public prosecution will only instituted when requested by the aggrieved person.

§ 171. Any person shall be liable to fines or to detention or imprisonment for a term not exceeding one year

1. who, against his better judgment reports to the court, the prosecuting authority, or any other public authority a criminal offence that has not been committed, or commits any act aimed at arousing suspicion that such an offence has been committed, or is accessory thereto;
2. who falsely reports himself or any other person with the latter's consent as guilty of a criminal offence, or who is accessory thereto.

§ 172. Any person shall be liable to fines or imprisonment for a term not exceeding one year who, although he could have done so without exposing himself, any of his next-of-kin, or any innocent person to prosecution or danger to life, health or welfare or to loss of public esteem, omits or is accessory to omitting to report facts that prove that any person indicted for or convicted of a felony is innocent.

§ 173. When any person is convicted pursuant to section 168, 169 or 170, it may on the application of the aggrieved person be stipulated in the judgment that either the judgment or the conclusion of the judgment shall by public arrangement be published in one or more public newspapers. To defray the costs thereby incurred the convicted person shall be obliged to pay a sum to be stipulated in the judgment.

Chapter 17. Counterfeiting of money

§ 174. Any person who counterfeits money current in Norway or abroad with the intent of uttering it or who obtains counterfeit money for such purpose, or is accessory thereto, shall be liable to imprisonment for a term not exceeding three years.

A shorter term of imprisonment may be imposed if only single coins or banknotes are obtained or counterfeited without using specially designed tools.

§ 175. Any person who files, clips or otherwise decreases the value of coins current in Norway or abroad with the intent of uttering them or who with such intent gives current money the appearance of a higher value than it really has or non-current money the appearance of being current, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding eight years.

§ 176. Any person who utters as genuine or unfalsified money that is counterfeited or falsified as described in section 174 or 175, or who is accessory thereto, shall, in so far as he is not liable to conviction pursuant to either of these sections, be liable to imprisonment for a term not exceeding 10 and six years respectively.

If the person uttering the counterfeit or falsified money has himself received it in good faith, he shall be liable to fines or imprisonment for a term not exceeding six months.

The uttering of coins that have by filing, clipping or otherwise been reduced in weight shall not be punishable if the person concerned has received them in good faith as current.

§ 177. Any person who in preparation for any of the felonies referred to in section 174 or 175 fabricates or obtains tools or other objects which appear to be designed for the counterfeiting or falsification of money, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding six years.

§ 178. The above provisions concerning money shall also apply to printed securities made out to the bearer and issued by any person entitled to do so, as well as to certificates of dividends pertaining thereto.

The security shall be regarded as printed also when it contains a written signature or other single written words or figures.

Chapter 18. Forging of documents

§ 179. By document is meant in this code any object that in writing or otherwise contains a statement that is either of significance as evidence of any right, obligation or exemption therefrom or appears to be designed to serve as evidence.

§ 180. The unauthorized filling out of a paper or other object on which any person has signed his name, or the obtaining of a signature by means of an error whereby such signature is made on a different document or on a document of a content other than that intended, or the completing of a document by unwarranted use of a genuine seal, stamp or mark, shall be punishable as forgery.

§ 181. A document shall also be regarded as false if it is issued in the name of a non-existent person, or if the issuer wrongly ascribes to himself a position that significantly affects the evidential force of the document, or if the contents thereof have been altered by removal of a part thereof.

§ 182. Any person who with unlawful intent uses as genuine or unfalsified any document that is forged or falsified, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding two years, but not exceeding four years if the document in question is a Norwegian or foreign official document.

If the document has been used with the intent of obtaining evidence for a lawful claim or for protection against an unlawful claim, fines or imprisonment for a term not exceeding one year may be imposed.

§ 183. Any person who as means for the commission of a felony punishable by imprisonment for a term of two years or by a more severe penalty uses as genuine or unfalsified a document that is forged or falsified, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding five years.

§ 184. If the falsified document used with unlawful intent as unfalsified is a postage stamp or other such stamp, a certificate of admission, or travel ticket or similar object and an attempt is made to make it appear valid either to an extent beyond what really is the case, or after its validity has expired, the offender shall be liable to fines or imprisonment for a term not exceeding six months.

§ 185. Any person who falsifies a public record, or is accessory thereto, shall be punished according to section 182, but according to section 183, if it is done as a means of committing a felony punishable by imprisonment for a term of two years or by a more severe penalty.

Any person who fabricates or obtains a forged document in order to use it or have it used in a manner punishable according to section 182 or 183, or who is accessory thereto, or who with such intent falsifies a genuine document or obtains a falsified document, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding half that prescribed for the use of the document.

No penalty pursuant to this section shall be applicable if the offender is convicted pursuant to section 182 or 183.

§ 186. Any person who in preparation for the forging of a document fabricates or obtains a false seal, stamp or mark or other object that appears to be designed for use in forgery or falsification, or who with such intent appropriates a genuine seal, stamp or mark, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three years.

§ 187. Any person who with unlawful intent refuses to acknowledge his signature on any document, or who destroys, conceals or wholly or partly renders a document useless, or is accessory thereto, shall be punished according to section 182, but according to section 183 if it is done as a means of committing a felony punishable by imprisonment for a term of two years or by a more severe penalty.

§ 188. Any person who with unlawful intent removes, moves or destroys a boundary stone or other mark for land or land rights, or who sets up a false boundary stone or mark, or is accessory thereto, shall be liable to imprisonment for a term not exceeding five years.

If the act is committed with the intent of obtaining evidence for a lawful claim or for protection against an unlawful claim, fines or imprisonment for a term not exceeding one year may be imposed.

§ 189. Any person who in any Norwegian or foreign official document or book or in any medical certificate makes an incorrect statement concerning any event or circumstance for which the statement is intended to serve as evidence, or who causes or is accessory to causing such a statement to be made, shall be liable to fines or imprisonment for a term not exceeding one year, but not exceeding three years if the intent was to obtain for himself or another an unlawful gain or to harm any person.

§ 190. Any person who uses as correct any such statement as is mentioned in section 189 shall be punished as therein provided.

Chapter 19. Felonies against public morals

§ 191. (Repealed by Act of 15 February 1963 No. 2.)

§ 192. Any person who by force or by inducing fear for any person's life or health compels any person to commit an act of indecency or is accessory thereto shall be guilty of rape and liable to imprisonment for a term not exceeding 10 years, but not less than one year if the act of indecency was sexual intercourse.

If as a consequence of the act the aggrieved person dies or sustains serious injury to body or health, or the offender has previously been convicted and sentenced pursuant to this section or section 195, a sentence of imprisonment for a term not exceeding 21 years may be imposed. Venereal disease shall always be regarded as serious injury to body or health pursuant to this section.

§ 193. Any person who commits or is accessory to another person's committing an act of indecency with any person who is unconscious or for any other reason incapable of resisting the act shall be liable to imprisonment for a term not exceeding five years. If the offender has induced the condition with intent to commit the felony or has been accessory thereto, he shall be liable to imprisonment for a term of not less than one year.

Any person who exploits or is accessory to another person's exploiting any person's mental illness, lack of intelligence, or morbid disturbance of mental faculties in order to commit an act of indecency with any such person shall be liable to imprisonment for a term not exceeding five years.

§ 194. Any person who commits or is accessory to another person's committing an act of indecency with any person by means of threats, especially underhand conduct, or misuse of a dependent relationship shall be liable to imprisonment for a term not exceeding five years.

A public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest.

§ 195. Any person who commits or is accessory to another person's committing an act of indecency with a child under 14 years of age shall be liable to imprisonment for a term not exceeding 10 years, but not less than one year if the act of indecency was sexual intercourse.

If as a result of the act the aggrieved person dies or sustains serious injury to body or health, or the offender has previously been convicted and sentenced pursuant to this section or section 192, or the act has been committed in a particularly painful or particularly offensive manner, or has been committed against a child under ten years of age and there have been repeated assaults, a sentence of imprisonment for a term not exceeding 21 years may be imposed. Venereal disease shall always be deemed to be serious injury to body or health pursuant to this section.

A mistake as regards the child's age shall not exclude criminal liability.

A penalty pursuant to this provision may be remitted or be imposed below the minimum specified in the first paragraph if those who have committed the act of indecency are about equal in age and development.

§ 196. Any person who commits or is accessory to another person's committing an act of indecency with any person who is under 16 years of age shall be liable to imprisonment for a term not exceeding five years.

If as a result of the act the aggrieved person dies or sustains serious injury to body or health, or the offender has previously been convicted and sentenced pursuant to this section or pursuant to section 192 or 195, or the act is committed in a particularly painful or particularly offensive manner, a term of imprisonment not exceeding 15 years may be imposed. Venereal disease shall always be deemed to be serious injury to body or health pursuant to this section.

A mistake as regards a person's age shall not exclude criminal liability unless no negligence can be attributed to the offender in this respect.

A penalty pursuant to this provision may be remitted if those who have committed the act of indecency are about equal in age and development.

§ 197. Any person who commits an act of indecency with any person under 18 years of age who is subject to the offender's authority or supervision shall be liable to imprisonment for a term not exceeding one year.

Section 196, second and third paragraphs, shall apply correspondingly.

§ 198. Any person shall be liable to imprisonment for a term not exceeding five years who commits and act of indecency with another person by misuse of his position as a public servant or as an employee at a hospital, sanatorium, or nursing home, or by misuse of the position he occupies as doctor, spiritual adviser, teacher, superior, nurse, or supervisor of the person concerned. Any person who by misuse of any such position aids or abets another person to commit an act of indecency shall be similarly liable.

§ 199. Any person who commits an act of indecency with any person who is an inmate of any institution under the charge of the child welfare authorities, the prison administration, or the police, and who is subject to his authority or supervision, shall be liable to imprisonment for a term not exceeding five years.

Any person who aids or abets another person to commit an act of indecency with any person with whom he has such a relationship as is specified in the first paragraph shall be similarly liable.

§ 200 to § 205. (Repealed by Act of 15 February 1963 No. 2.)

§ 206. Any person who misleads another person into engaging in prostitution or continuing such an occupation, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding five years.

Any person who aids and abets or exploits another person's engaging in prostitution shall be liable to fines or imprisonment for a term not exceeding five years. The same applies to any person who for the sake of gain aids and abets or exploits another person's commission of acts of indecency.

A man who wholly or partly lives on the earnings of a woman who is engaged in prostitution shall be liable to imprisonment for a term not exceeding two years.

§ 207. Any person who commits an act of indecency with a blood relation in the descending line shall be liable to imprisonment for a term not exceeding five years, but if it is a case of sexual intercourse for a term not exceeding eight years.

An accomplice shall be liable to the same penalty.

§ 208. Any person who has sexual intercourse with a brother or sister or who is accessory to such intercourse taking place shall be liable to imprisonment for a term not exceeding two years.

No penalty shall, however, be imposed on persons under 18 years of age.

§ 209. Any person who commits or is accessory to another person's committing an act of indecency with a foster-child, child in his care, step-child, or any person under 18 years of age who is under his care or subject to his authority or supervision shall be liable to imprisonment for a term not exceeding five years. Any person who aids or abets another person to commit an act of indecency with any person with whom he has such a relationship as is specified above shall be liable to the same penalty.

§ 210. (Repealed by Act of 15 February 1963 No. 2.)

§ 211. Any person shall be liable to fines or imprisonment for a term not exceeding two years or to both who

a) gives a public lecture or arranges a public performance or exhibition of an indecent or pornographic nature,

b) publishes, offers for sale or hire or in any other way attempts to disseminate, or with intent to so disseminate imports indecent or pornographic writings, pictures, films, videograms or the like,

c) delivers indecent or pornographic writings, pictures, films, videograms or the like to persons under 18 years of age,

d) possesses or imports pictures, films, videograms, or the like in which any person who is, must be considered to be or is presented as being under 16 years of age is shown in an indecent or pornographic manner.

In this section indecent or pornographic depictions mean sexual depictions that seem offensive or in any other way are likely to have a humanly degrading or corrupting effect, including sexual depictions showing children, animals, violence, duress, and sadism.

An accomplice shall be liable to the same penalty.

Any person who negligently commits any such act as is referred to in this section shall be liable to fines or imprisonment for a term not exceeding six months or both.

Any proprietor or superior who wilfully or negligently omits to prevent the commission in his business of any such act as is referred to in this section shall be liable to the same penalty.

In passing sentence the fact that the indecent or pornographic depictions include the use of children, animals, violence, duress, and sadism shall be treated as an aggravating circumstance.

This section shall not apply to any film or videogram that the National Board of Film Censors has by prior control approved for commercial exhibition or sale.

§ 212. Any person shall be liable to fines or imprisonment for a term not exceeding one year who by indecent conduct in word or deed offends against modesty or is accessory thereto if the offence has occurred

1. in public
2. in the presence of or against any person who has not consented thereto, or
3. in the presence of or against any child under 16 years of age.

Any person who commits an indecent act with any person under 16 years of age or misleads any person under 16 years of age into indecent conduct shall be liable to imprisonment for a term not exceeding three years. If the offender has previously been convicted and sentenced pursuant to this provision or pursuant to sections 192, 195, 196 or 197, or if the act is committed under especially aggravating circumstances, imprisonment for a term not exceeding six years may be imposed. In deciding whether especially aggravating circumstances exist, special importance shall be attached to how long the relationship has continued, whether the act is a misuse of a relationship based on family ties, care, dependency or close trust, and whether the act is committed in a particularly painful or humiliating manner.

Section 196, second and third paragraphs, shall apply correspondingly.

§ 213. When the provisions of this chapter use the term sexual intercourse, both vaginal and anal intercourse are meant. Insertion of the penis into the mouth and insertion of an object into the vagina or rectum shall be equated with sexual intercourse.

§ 214. In the cases referred to in sections 193, 194, 196 and 197 no penalty will be imposed and a conviction will be of no effect if those who have committed the act of indecency marry each other.

Chapter 20. Felonies concerning family relationships

§ 215. Any person who with illegal intent attempts to deprive another person of the family status to which he is entitled or to acquire for himself or another person a false family status, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding six years. If there are specially extenuating circumstances, fines may be imposed.

This provision shall not apply in determining paternity pursuant to the Children Act.

§ 216. Any person who causes or is accessory to causing a minor to be unlawfully deprived of or kept deprived of his parents' or other authorized persons' care shall be liable to imprisonment for a term not exceeding three years.

If there are extenuating circumstances, fines may be imposed.

A public prosecution will only be instituted when requested by an aggrieved person.

§ 217. If the felony referred to in section 216 is committed against a child under 16 years of age for an indecent purpose, the offender shall be liable to imprisonment for a term of not less than six months and not more than six years, and not less than one year if the child is under 14 years of age.

§ 218. Any person shall be liable to imprisonment for a term not exceeding three years who

1. employs a child under 16 years of age who is in his care or subject to his authority in a way that is harmful to the child's health, morals, or integrity, or permits such employment, or
2. by misuse of his authority causes or is accessory to causing any person under 18 years of age who is subordinate to him to be employed in such a manner.

Any person who misleads or incites another person to commit any of the acts referred to above shall be liable to the same penalty.

§ 219. Any person shall be liable to imprisonment for a term not exceeding two years who exposes any person belonging to his household to distress by being unwilling to perform his duty to provide support, or who by neglect, maltreatment, or similar conduct frequently or grossly violates his duties towards his spouse or children or any person belonging to his household or in his care who because of illness, age, or other circumstances is incapable of taking care of himself. If the felony results in death, or serious injury to body or health, imprisonment for a term not exceeding six years may be imposed.

Any person who misleads or incites another person to commit any of the acts referred to above shall be liable to the same penalty.

§ 220. Any person who enters into a marriage contrary to section 3 or 4 of the Marriage Act, or who enters into a partnership that is contrary to section 2, first paragraph, of the Registered Partnership Act, cf. section 3 of the Marriage Act, or section 2, first paragraph second sentence, of the Registered Partnership Act, shall be liable to imprisonment for a term not exceeding four years. If the spouse or partner was unaware that the marriage or partnership had been entered into contrary to the said provisions, the offender shall be liable to imprisonment for a term not exceeding six years. An accomplice shall be liable to the same penalty.

Any person who causes or is accessory to causing a marriage or registered partnership that is invalid because of the forms used to be entered into with any person who is not aware of its invalidity shall be liable to imprisonment for a term not exceeding four years.

§ 221. (Repealed by Act of 4 July 1991 No. 47.)

Chapter 21. Felonies against personal liberty

§ 222. Any person who by unlawful conduct or by any threat thereof compels another person to do, submit to, or omit to do anything, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three years. If there are specially aggravating circumstances, cf. section 232, third sentence, imprisonment for a term not exceeding six years may be imposed.

Any person who by threatening to make an accusation or report of a criminal act or to make a defamatory allegation unlawfully compels another person to do, submit to, or omit to do anything, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

If the felony has been committed against any of the offender's next of kin, a public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest.

§ 223. Any person who unlawfully deprives another person of his liberty or is accessory to such deprivation of liberty shall be liable to imprisonment for a term not exceeding five years.

If the deprivation of liberty has lasted for more than one month or has caused any person abnormal suffering or serious injury to body or health or has resulted in the death of any person, imprisonment for a term of not less than one year shall be imposed.

§ 224. Any person shall be liable to imprisonment for a term not exceeding 10 years who by force, threats, or underhand conduct unlawfully brings anyone into his own or another person's power with the intention of reducing him to a state of helplessness, enlisting him in foreign military service, or taking him into captivity or other state of dependence in a foreign country, or transporting him to a foreign country for indecent purposes, or who is accessory thereto.

§ 225. Any person who causes or is accessory to causing another person to be enslaved shall be liable to imprisonment for a term of not less than five years and not more than 21 years.

Any person who engages in or is accessory to slave-trading or the transporting of slaves or persons destined for slave-trading shall be liable to the same penalty.

Any person who enters into an association with another person for the purpose of carrying out or aiding or abetting any act referred to in this section shall be liable to imprisonment for a term not exceeding 10 years.

§ 226. Any person who is guilty of depriving another person of his liberty in a manner which he without just cause considers to be lawful, or in a case in which an arrest may lawfully be made executes such an arrest by disregarding the prescribed procedure, or who is accessory to any such felony, shall be liable to fines, or to detention or imprisonment for a term not exceeding three months.

A public prosecution will only be instituted when requested by the aggrieved person.

§ 227. Any person who by word or deed threatens to commit a criminal act that is subject to a more severe penalty than detention for one year or imprisonment for six months, under such circumstances that the threat is likely to cause serious fear, or who is accessory to any such threat, shall be liable to fines or imprisonment for a term not exceeding three years. If there are specially aggravating circumstances, cf. section 232, third sentence, a term of imprisonment not exceeding six years may be imposed.

Except when requested by an aggrieved person a public prosecution will not be instituted unless the threat is directed against an indefinite number or the public interest so requires.

Chapter 22. Felonies against another person's life, body and health

§ 228. Any person who commits violence against the person of another or otherwise assails him bodily, or is accessory thereto, is guilty of assault and shall be liable to fines or imprisonment for a term not exceeding six months.

If the assault causes injury to body or health or considerable pain, imprisonment for a term not exceeding three years may be imposed, but not exceeding five years if death or serious injury results.

If an assault is retaliated with another assault, or is provoked by a previous assault or insult, it may go unpunished.

A public prosecution will only be instituted when requested by an aggrieved person unless:

(a) the felony has resulted in someone's death, or
(b) the felony is committed against the offender's previous or present spouse or cohabitee, or
(c) the felony is committed against the offender's child or the child of the offender's spouse or cohabitee, or
(d) the felony is committed against the offender's kin in the direct line of ascent, or
(e) the prosecution is required in the public interest.

§ 229. Any person who injures another in body or health or reduces any person to helplessness, unconsciousness or any similar state, or who is accessory thereto, is guilty of occasioning bodily harm and shall be liable to imprisonment for a term not exceeding three years, but not exceeding six years if any illness or inability to work lasting more than two weeks or any incurable defect or injury is caused, and not exceeding eight years if death or serious injury to body or health results.

§ 230. The penalties specified in sections 228 and 229 may be increased by up to 50 per cent if the offender has previously been convicted of any felony of a violent nature.

§ 231. Any person who causes or is accessory to causing serious injury to the body or health of another person is guilty of occasioning grievous bodily harm and shall be liable to imprisonment for a term of not less than two years. If the act is premeditated, imprisonment for a term not exceeding 21 years may be imposed if the felony results in a person's death.

§ 232. If any felony mentioned in sections 228 to 231 is committed with intent in a specially painful manner or by means of poison or other substances which are highly dangerous to health, or with a knife or other specially dangerous instrument, or under other especially aggravating circumstances, a sentence of imprisonment shall always be imposed, and for a felony against section 231 a term of imprisonment not exceeding 21 years may be imposed in every case and otherwise the penalty may be increased by up to three years. The penalty prescribed in section 228, first paragraph, may,however, only be increased by up to six months' imprisonment, while at the same time fines may still be imposed. In deciding whether other especially aggravating circumstances exist, special regard shall be paid to whether the offence has been committed against a defenceless person, whether there was a racial motive, whether it was unprovoked, whether it was committed by several persons jointly, and whether it constitutes ill treatment.

§ 233. Any person who causes another person's death, or is accessory thereto, is guilty of homicide and shall be liable to imprisonment for a term of not less than six years.

If the offender has acted with premeditation or has committed the homicide in order to facilitate or conceal another felony or to evade the penalty for such felony, imprisonment for a term not exceeding 21 years may be imposed. The same applies in cases of repeated offences and also when there are especially aggravating circumstances.

§ 234. If a felony mentioned in section 233 is committed by a mother against her own child during the birth or within 24 hours thereof, she shall be liable to imprisonment for a term of from one to eight years.

In the case of a repeated offence or otherwise under especially aggravating circumstances, imprisonment for a term not exceeding 12 years may be imposed.

An attempt may go unpunished if the child is not seriously injured in body or health.

§ 235. A penalty pursuant to sections 228 and 229 shall not be imposed when the act is committed against any person who has consented thereto.

If any person is killed or seriously injured in body or health with his own consent, or if any person out of compassion deprives a hopelessly ill person of his life, or is accessory thereto, the penalty may be reduced below the minimum otherwise provided and to a milder form of penalty.

§ 236. Any person who aids and abets another person to commit suicide or to inflict upon himself serious injury to body or health shall be liable to the same penalty as for aiding and abetting homicide or the infliction of grievous bodily harm in the case of a person consenting thereto.

No penalty shall be imposed when death or serious injury to body or health does not occur.

§ 237. Any person who negligently causes such inability to work, illness, defect or injury as is mentioned in section 229 shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will be only instituted when requested by the aggrieved person.

§ 238. Any person who negligently causes serious injury to body or health, including by the use of a motor vehicle, shall be liable to fines or imprisonment for a term not exceeding three years.

§ 239. Any person who negligently causes the death of another person, including by the use of a motor vehicle, shall be liable to imprisonment for a term not exceeding three years, or under especially aggravating circumstances for a term not exceeding six years. Under especially extenuating circumstances fines may be imposed.

§ 240. Fines or imprisonment for a term not exceeding two years may be imposed on any man who fails to give any woman whom he has made pregnant such help or support in connection with the pregnancy or birth as may reasonably be required of him under the prevailing circumstances, with the result that she is rendered needy or helpless. If under these circumstances she commits a felony against the life of the foetus or the child, or if such life is endangered by her state, he shall be liable to imprisonment for a term not exceeding three years.

§ 241. Any man who knows that a woman whom he has made pregnant intends to commit a felony against the life of the foetus or the child or a felony endangering its life, and who fails to take action that could prevent the felony is liable to imprisonment for a term not exceeding three years. If the felony has resulted in the death of the child, imprisonment for a term not exceeding four years may be imposed.

§ 242. Any person who renders another person helpless, or is accessory thereto, shall be liable to imprisonment for a term not exceeding three years.

A similar penalty shall be imposed on any person who unlawfully abandons in a helpless condition any person who is entrusted to his care, or whom he is obliged to accompany, transport, receive or otherwise take care of, or who lets any such person remain in a helpless condition, or who by misleading or inciting is accessory thereto.

If the felony results in death or serious injury to body or health, the offender shall be liable to imprisonment for a term not exceeding six years.

A public prosecution shall be only be instituted when requested by the aggrieved person unless the felony results in death or a prosecution is required in the public interest.

§ 243. If life or health is obviously endangered by any felony referred to in section 242, the offender shall be liable to imprisonment for a term not exceeding eight years, but to imprisonment for a term of not less than three years if the felony results in death or serious injury to body or health.

§ 244. A mother who within 24 hours of the birth commits any felony mentioned in section 242 or 243 against her own child shall not in any case be liable to a more severe penalty than that prescribed in section 234.

If it has not caused death or serious injury to body or health, the felony may go unpunished.

§ 245. Any person who terminates a pregnancy, or is accessory thereto, when the statutory requirements for such an operation have not been fulfilled, or a decision for such termination has not been made by any person authorized to do so, is guilty of criminal abortion and shall be liable to imprisonment for a term not exceeding three years. In the case of a repeated offence or if the act is committed for the purpose of gain or under especially aggravating circumstances, the penalty shall be imprisonment for a term not exceeding six years. If the offender has acted without the woman's consent, imprisonment for a term not exceeding 15 years shall be imposed, but not exceeding 21 years if she dies as a result of the felony.

The penal provision in the first sentence of the first paragraph shall not apply to women who themselves terminate their own pregnancy or are accessory thereto.

Chapter 23. Defamation

§ 246. Any person who by word or deed unlawfully defames another person, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

§ 247. Any person who by word or deed behaves in a manner that is likely to harm another person's good name and reputation or to expose him to hatred, contempt, or loss of the confidence necessary for his position or business, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding one year. If the defamation is committed in print or in broadcasting or otherwise under especially aggravating circumstances, imprisonment for a term not exceeding two years may be imposed.

§ 248. If an offender under section 247 has acted against his better judgment, he shall be liable to imprisonment for a term not exceeding three years.

Under especially extenuating circumstances fines may be imposed.

§ 249.

1. No penalty pursuant to sections 246 and 247 shall be imposed if the allegation is proved to be true.
2. Even if the truth is proved as stated in subsection 1, the allegation is criminal if it is made without any respectable reason for doing so, or if it is otherwise unwarranted because of the form or manner in which it is made or for other reasons.
3. No penalty pursuant to sections 246 and 247 shall be on any person who is under a duty or obligation to express his opinion or who has expressed his opinion in legitimately taking care of his own or another's interests if it is established that he has shown proper care in all respects.
4. Evidence of the truth of an allegation may not be given
    a) for a criminal act of which the accused has been acquitted by a final Norwegian or foreign judgment,
    b) if the court unanimously finds that the allegation is undoubtedly unwarranted regardless of its truth and that refusal to admit such evidence is desirable in the interests of the aggrieved person. Admission of such evidence must never be refused if the prosecuting authority or the plaintiff has indicated in advance that a penalty pursuant to section 248 will be demanded or that only civil legal claims will be pursued.
5. When evidence of the truth of an allegation is not admitted, evidence concerning whether the person indicted (the defendant) believed in or had reason to believe in the truth of the allegation is also inadmissible.

§ 250. If the defamation is provoked by improper conduct on the part of the aggrieved person himself, or retaliated with bodily assault or defamation, any penalty may be waived.

§ 251. Felonies dealt with in this chapter shall be subject to public prosecution only when the aggrieved person so requests and it is so required in the public interest. The prosecution may be limited to the submission of a demand that the defamatory statement be declared null and void (cf. section 253).

The public authorities may, however, without a request from any aggrieved person prosecute a defamatory statement that is directed against an indefinite group or a large number of persons if it is so required in the public interest.

The same applies when the defamation is committed against any person during the performance of a public service or in connection with any public service, or when any person who is or was at the time in question a public servant is accused of an act or matter which might make him liable to a penalty or loss of office.

§ 252. The acts that are defined as criminal in sections 247 and 248 are also punishable when committed against the memory of a deceased person. The penalty shall, however, in the cases referred to in section 247 be reduced to fines and in the cases referred to in section 248 to fines or imprisonment for a term not exceeding three months.

The spouse, parents, children, siblings, and heirs of the deceased person are entitled to request and institute a prosecution.

§ 253.

1. When evidence of the truth of an allegation is admissible and such evidence has not been produced, the aggrieved person may demand that the allegation be declared null and void unless it is otherwise provided by statute.
2. A claim that the allegation be declared null and void shall be summarily dismissed when the person who has made the allegation withdraws it before the main hearing in a manner that the court finds satisfactory to the aggrieved person.
3. A claim that the allegation be declared null and void shall also be summarily dismissed:
   a) when the allegation is made in a judgment, order, judicial decision or other judicial act,
   b) when the allegation is made by a witness during a statement in a court sitting or to the police or the prosecution authority, or by a party, legal representative, prosecutor, defence counsel, appointed expert or social inquirer or by an official employed by the prosecuting authority or the police during legal proceedings or investigation. In these cases the claim that the allegation be declared null and void shall, nevertheless, not be summarily dismissed when the court finds that the aggrieved person should have the truth of the allegation tried in declaration proceedings against the defendant or that the statement falls outside the limits of the case.
   c) when the allegation is made in a written statement from the Storting's ombudsman for the public administration.
4. When a penalty for the allegation has been demanded, a claim that a statement be declared null and void cannot be summarily dismissed pursuant to subsection 2 or 3 unless the demand for a penalty is summarily dismissed or rejected.

§ 254. Liability for any defamation committed in a magazine or periodical printed in the realm shall not extend to any person who has only taken part in the technical production or distribution of the publication. The same applies to broadcasting.

Chapter 24. Embezzlement, theft, and unlawful use

§ 255. Any person shall be guilty of embezzlement who for the purpose of obtaining for himself or another an unlawful gain illegally disposes of, mortgages, consumes or otherwise appropriates any chattel which is in his possession, but which wholly or partly belongs to another, or who unlawfully disposes of money which he has collected for another or which is otherwise entrusted to him.

No penalty pursuant to this section shall be imposed for any act that comes under section 277 or 278.

The penalty for embezzlement is fines or imprisonment for a term not exceeding three years. The penalty for aiding and abetting is the same.

§ 256. The penalty for gross embezzlement is imprisonment for a term not exceeding six years. The penalty for aiding and abetting is the same.

In deciding whether the embezzlement is gross, special regard shall be paid to whether the value of the object embezzled is considerable, whether the embezzlement has been committed by a public official or any other person in breach of the special confidence placed in him as a consequence of his position or activity, whether false accounts or books have been kept, or whether the offender has knowingly caused material loss or danger to another's life or health.

§ 257. Any person is guilty of theft who takes away or is accessory to taking away any object that wholly or partly belongs to another for the purpose of obtaining for himself or another an unlawful gain by the appropriation of the said object.

The penalty for theft is fines or imprisonment for a term not exceeding three years.

§ 258. The penalty for aggravated theft is fines or imprisonment for a term not exceeding six years. The penalty for aiding and abetting is the same.

In deciding if the theft is aggravated, special regard shall be paid to whether the theft has been committed by breaking and entering (section 147, first paragraph) or from a person in a public place, whether the offender has been equipped with a weapon, explosives or the like, whether the object stolen is of considerable value, or whether the act is for other reasons especially dangerous or harmful to society.

§ 259. (Repealed by Act of 11 June 1993 No. 76.)

§ 260. Any person is guilty of unlawful use of a motor vehicle who without belonging to the household or being in the service of the person entitled thereto unlawfully takes a motor vehicle and uses or disposes of it, or is accessory thereto.

By motor vehicle is meant any vehicle (including a cycle) that is propelled by a power engine.

The penalty for unlawful use of a motor vehicle is fines or imprisonment for a term not exceeding three years.

Imprisonment for a term not exceeding five years may be imposed if the use has resulted in serious injury to any person or property or the offender has previously been convicted of an offence against this section.

The same penalty applies to unlawful use of any vessel or aircraft that is propelled by a power engine.

§ 261. Any person who unlawfully uses or disposes of any chattel that belongs to another person and thereby obtains for himself or another a considerable gain, or inflicts on the person entitled thereto a considerable loss, shall be liable to imprisonment for a term not exceeding three years. The penalty for aiding and abetting is the same. Under especially extenuating circumstances fines may be imposed.

A public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest.

§ 262. (Repealed by Act of 14 April 1972 No. 15.)

§ 263. If any person convicted of embezzlement or theft has previously been sentenced to imprisonment pursuant to this chapter or chapters 17, 18, 25, 26, 27, or pursuant to section 88, first paragraph, section 143, second paragraph, sections 147, 206, 217, 317 or 391 a, the penalty may be increased by up to 50 per cent.

§ 264. A public prosecution for embezzlement will only be instituted when requested by the aggrieved person unless it is required in the public interest.

The same applies to theft committed against any of the offender's next of kin or against any person belonging to the same household or against any person in whose service the offender is employed.

If, as a result of the provisions in the second paragraph, the public authorities are only entitled to prosecute some of the offenders when two or more have cooperated, the prosecuting authority will decide whether a prosecution shall be brought only against such persons or against all or be completely waived. Receiving stolen goods is regarded as equivalent to aiding and abetting.

§ 265-265 a. (Repealed by Act of 11 May 1951 No. 2.)

Chapter 25. Extortion and robbery

§ 266. Any person shall be guilty of extortion who, for the purpose of obtaining for himself or another an unlawful gain, compels any person by unlawful conduct or by threat of such conduct to commit an act that causes loss or risk of loss to him or the person for whom he is acting. The penalty for aiding and abetting is the same.

The same applies to any person who for the said purpose unlawfully compels any person to commit such an act by threatening to make an accusation or report of any offence, or by making a defamatory allegation or giving harmful information, or who is accessory thereto.

The penalty for extortion is imprisonment for a term not exceeding five years. Fines may be imposed in addition to a sentence of imprisonment. For any contravention of the provisions of the second paragraph the penalty may be limited to fines. Section 263 (first paragraph) is correspondingly applicable.

In the case mentioned in the second paragraph, a public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest. Otherwise section 264, second and third paragraphs, is applicable.

§ 267. Any person shall be guilty of robbery who, for the purpose of obtaining for himself or another an unlawful gain, appropriates an object that belongs wholly or partly to another person by using violence against a person or by rendering him incapable of defending himself, or by making threats that provoke a serious fear of personal violence.

A person shall also be guilty of robbery who for the said purpose and by the said means compels any person to commit an act that causes loss or a risk of loss to him or the person for whom he is acting.

The penalty for aiding and abetting is the same.

§ 268. The penalty for robbery is imprisonment for a term not exceeding five years.

The penalty for aggravated robbery is imprisonment for a term not exceeding 12 years. In deciding whether a robbery is aggravated, special regard shall be paid to whether gross violence has been used, whether any threat with a firearm or other especially dangerous implement has been made, whether the robbery has been carefully planned, or committed against a defenceless person, or whether a considerable amount is involved.

If aggravated robbery has resulted in death or serious injury to body or health, imprisonment for a term not exceeding 21 years may be imposed.

§ 269. Any person shall be liable to imprisonment for a term not exceeding three years who
1. enters into any association with any person to commit a robbery, or
2. for the purpose of committing a robbery equips or begins to equip any vessel,
or is accessory thereto.

Chapter 26. Fraud and breach of trust

§ 270. Any person is guilty of fraud who, for the purpose of obtaining for himself or another an unlawful gain,
(1) by causing, confirming, or exploiting a mistake unlawfully induces any person to commit an act that causes loss or a risk of loss to him or any person for whom he is acting, or
(2) by the use of incorrect or incomplete information, by altering data or software or otherwise unlawfully influences the result of automatic data-processing, and thereby causes loss or a risk of loss to any person.

The penalty for fraud is fines or imprisonment for a term not exceeding three years. An accomplice shall be liable to the same penalty.

§ 271. The penalty for gross fraud is imprisonment for a term not exceeding six years. Fines may be imposed in addition to a sentence of imprisonment. An accomplice shall be liable to the same penalty.

In deciding whether the fraud is gross, special regard shall be paid to whether the act has caused serious economic damage, whether the offender has assumed or misused a position or a commission, whether he has deceived the public or a large group of persons, kept false accounts or books, or whether he has knowingly caused material loss or endangered another person's life or health.

§ 271 a. Any person who by gross negligence commits fraud as described in section 271 shall be liable to fines or imprisonment for a term not exceeding two years.

§ 272. Any person who destroys or damages an insured object or otherwise contrives an insurance claim so that he or another person shall be paid the amount insured shall be liable to imprisonment for a term not exceeding six years. The same applies to any person who for such purpose incorrectly reports or makes it appear that an insurance claim has arisen, or claims compensation for an object that has not been insured or that does not exist or has not been damaged. Fines may be imposed in addition to a sentence of imprisonment.

Any person shall be liable to fines or imprisonment for a term not exceeding three years or both who
1) at the conclusion of an insurance contract conceals or gives incorrect information concerning circumstances which he is aware of and must realize are of importance to the insurer,
2) in order that he himself or another shall be paid an amount insured or an amount guaranteed that is secured by an insurance contract makes a report of damage that is palpably disproportionate to the damage incurred.

Complicity in any felony mentioned in this section shall incur the same penalty as the felony.

§ 273. Any person who spreads incorrect or misleading information in order to influence the prices of goods, securities or other objects, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding four years. Fines may be imposed in addition to a sentence of imprisonment. Under especially extenuating circumstances fines alone may be imposed.

§ 274. Any person who in any invitation to participate in the founding or expansion of a joint-stock company or any other company with economic aims, or in connection with obtaining loans for such a company, gives incorrect or misleading information of significance for evaluating the enterprise shall be liable to imprisonment for a term not exceeding four years.

Any officer or employee of such a company shall be liable to the same penalty as is prescribed in the first paragraph if he publishes incorrect or misleading information of significance for evaluating the company, or gives such information to the company's members or creditors, to any of its organs, or to a public authority. The same applies to other persons who through undertaking commissions for the company are aware of its condition.

Complicity in any felony mentioned in the first and second paragraphs shall incur the same penalty.

Any person who by gross negligence becomes guilty of any of the offences mentioned in this section shall be liable to fines or imprisonment for a term not exceeding six months.

§ 275. Any person who, for the purpose of obtaining for himself or another an unlawful gain or inflicting damage, neglects another person's affairs which he manages or supervises or acts against the other person's interests shall be guilty of breach of trust.

The penalty for breach of trust is imprisonment for a term not exceeding three years. Fines may be imposed in addition to a sentence of imprisonment. An accomplice shall be liable to the same penalty. Under especially extenuating circumstances fines alone may be imposed.

A penalty pursuant to this section shall not be applicable to an act that comes under section 255, cf. section 256.

§ 276. The penalty for gross breach of trust is imprisonment for a term not exceeding six years. Fines may be imposed in addition to a sentence of imprisonment. An accomplice shall be liable to the same penalty.

In deciding whether a breach of trust is gross, special regard shall be paid to whether the act has caused considerable economic damage, whether it has been committed by a public official or any other person by a breach of the special confidence placed in him as a consequence of his position or activity, whether the offender has kept false accounts or books or has destroyed, damaged, or concealed accounts, books or other documents, or whether he has knowingly caused material loss or danger to another person's life or health.

§ 277. Any person shall be liable to fines or imprisonment for a term not exceeding three years or both who causes any person loss or exposes him thereto by unlawfully disposing of an object by an act in law after another person has acquired or in return for full or partial payment has been promised ownership or right to use the object, or of a claim that has been transferred to another person, or of a promissory note that has fully or partially been paid, or who is accessory thereto.

§ 278. Any person who unlawfully disposes of a chattel that is subject to a seller's lien, cf. sections 3-15 and 3-22 of the Mortgages and Pledges Act, and thereby causes the seller loss or exposes him thereto shall be liable to fines or imprisonment for a term not exceeding six months. Under especially aggravating circumstances imprisonment for a term not exceeding three years may be imposed.

Any person who causes another person loss or exposes him thereto by unlawfully disposing of a claim or an object which he owns or possesses and on which another person has a lien or other security shall be liable to the same penalty as is prescribed in the first paragraph.

Complicity in any felony mentioned in this section shall incur the same penalty.

§ 279. If a person convicted pursuant to the foregoing sections has previously been sentenced to imprisonment pursuant to this chapter or to chapters 17, 18, 24, 25 or 27, or pursuant to section 88, first paragraph, section 143, second paragraph, section 147, 204, 206, 217 or 317, the penalty may be increased by up to 50 per cent.

§ 280. A public prosecution pursuant to sections 270, 271, 275, 276 and 277 will only be instituted when requested by the aggrieved person when the felony has been committed against any of the offender's next of kin unless it is required in the public interest. Section 264, third paragraph shall, however, apply correspondingly.

The felonies mentioned in sections 270, 275 and 277 shall not be prosecuted in any case except on the application of the aggrieved person unless the offender by abusing the confidence or credulity of the public has been guilty of felonies against several persons or prosecution is otherwise required in the public interest.

Felonies contrary to section 278, first paragraph, shall not be subject to public prosecution unless it is so requested by the aggrieved person and is required in the public interest.

Felonies contrary to section 278, second paragraph, shall not be subject to public prosecution except on the request of the aggrieved person.

Chapter 27. Felonies in debt relations

§ 281. Any debtor shall be liable to imprisonment for a term not exceeding three years who during bankruptcy or winding-up proceedings, public negotiations with creditors or other negotiations for a debt settlement pursuant to statutory provisions, by concealing anything or giving incorrect information or in any other way attempts to withhold any of his property from covering the claims of his creditors, or who incorrectly states or acknowledges debts.

The same penalty shall apply to any debtor who, although he is unable to satisfy all his creditors, attempts to withhold any of his property from covering the claims of his creditors by gifts, sales at cut prices, destruction, damage or in any other way.

If the felony involves considerable values or there are other especially aggravating circumstances, imprisonment for a term not exceeding five years may be imposed.

§ 282. Any person who during enforcement or attachment proceedings or by concealing anything or giving incorrect information or in any other way attempts to withhold any of his property from covering the claims of a creditor shall be liable to fines or imprisonment for a term not exceeding three years.

§ 283. Any person who by gross negligence becomes guilty of an act mentioned in section 281 or 282 shall be liable to fines or imprisonment for a term not exceeding six months.

§ 283 a. Any person who fails to apply for the institution of negotiations with creditors or bankruptcy or winding-up proceedings although he should realize that he is not able to satisfy the claims of all his creditors shall be liable to imprisonment for a term not exceeding two years, if

1) the result of this omission is that it will not be possible to reverse any dispositions or enforcement proceedings which he should realize will entail a considerable weakening of his creditors' prospects of receiving payment, or
2) the enterprise that he owns or manages, alone or in cooperation with others, is clearly running at a loss, and he should realize that it will not be possible to satisfy the claims of his creditors within a reasonable time.

This shall not apply, however, when the debtor has acted with the assent of creditors who represent a considerable portion of the whole body of claims as regards both amount and number.

§ 284. Any debtor who gives any creditor payment in full or security although he should realize that he is unable to satisfy the claims of all his creditors and that their prospects of receiving payment are considerably diminished will be liable to imprisonment for a term not exceeding two years.

§ 285. Any person who engages in gambling or any other hazardous enterprise which is out of proportion to his financial position, with the result that his economic position is worsened and loss is inflicted on his creditors, shall be liable to fines or imprisonment for a term not exceeding two years. Any person who brings this about by extravagant living or other irresponsible conduct or by grossly improper business practice shall be liable to the same penalty.

Any person shall be liable to the same penalty who for his own or another's benefit takes money or goods from an enterprise which he owns or manages, alone or in cooperation with others, when the enterprise is running at a loss or its profits are insufficient to cover what has been taken out, and who should realize that the economic position is thereby considerably worsened and that the claims of his creditors cannot be satisfied.

§ 286. Any person who wilfully or negligently essentially disregards provisions relating to book-keeping, making annual financial statements, or keeping accounts, laid down in any Act or regulations made pursuant to an Act, shall be liable to fines or imprisonment for a term not exceeding one year or to both. If there are especially aggravating circumstances, imprisonment for a term not exceeding three years may be imposed.

§ 287. Any member of the managing committee in bankruptcy or winding-up proceedings or of the debt settlement committee who receives any benefit or promise of any benefit for himself or another in return for acting or voting in a certain way or for omitting to do so shall be liable to fines or imprisonment for a term not exceeding six months.

§ 288. Any person who is accessory to any act mentioned in sections 281 to 286 or who commits any such act for the benefit of the debtor or with his consent or on his behalf, or is accessory thereto, shall be liable to the penalties prescribed therein. Fines may be imposed in addition to imprisonment even though fines are not specially prescribed as a penalty for the act.

A creditor shall not, however, be liable to any penalty for having received or demanded satisfaction or security unless he has used improper threats or other improper means to induce the debtor to pay or provide security, or he has received satisfaction or security for debts that are not yet due.

§ 289. (Repealed by Act of 8. June 1984 No. 60.)

§ 290. (Repealed by Act of 11 May 1951 No. 2.)

Chapter 28. Vandalism

§ 291. Any person who unlawfully destroys, damages, renders useless or wastes an object that wholly or partly belongs to another shall be guilty of vandalism.

The penalty for vandalism shall be fines or imprisonment for a term not exceeding one year. An accomplice shall be liable to the same penalty.

A public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest.

§ 292. The penalty for serious vandalism shall be fines or imprisonment for a term not exceeding four years. An accomplice shall be liable to the same penalty.

In deciding whether the vandalism is serious, special regard shall be paid to whether the damage is considerable, whether the offender has knowingly caused material loss or endangered any person's life or health, whether an interruption of public communications has been caused, whether the damage has been committed against a boundary mark on the border of a neighbouring State or against a public monument, collection or other object which is intended for general use or decoration or has historical, national or religious significance for the public or a large number of people.

§ 293. (Repealed by Act of 11 May 1951 No. 2.)

§ 294. Any person shall be liable to fines or imprisonment for a term not exceeding six months who

1. by causing or confirming an error unlawfully induces any person to commit an act whereby the latter or any person for whom he is acting suffers an economic loss, or who is accessory thereto, or
2. without authorization either himself makes use of a business or operational secret concerning an enterprise in which he is or has in the course of the last two years been employed, or in which he is or has in the course of the last two years been a participant, or discloses such a secret for the purpose of enabling another person to make use of it, or who by misleading or prompting is accessory thereto, or
3. without authorization makes use of any business or trade secret of an enterprise which he has become acquainted with or gained control over in the capacity of a technical or mercantile consultant to the enterprise or in connection with a commission from it, or without authorization reveals such a secret for the purpose of enabling others to make use of it, or who by misleading or prompting is accessory thereto.

A public prosecution will only be instituted when it is requested by the aggrieved person and is required in the public interest.

Chapter 29. Extortionate bargain and gambling

§ 295. Any person shall be guilty of an extortionate bargain who through any act in law exploits any person's distress, carelessness, lack of judgment or dependence in order to obtain or stipulate any remuneration which under the prevailing circumstances is palpably disproportionate to what is given in return, or who is accessory thereto.

The same applies to any person who, after acquiring a claim arising from the said act in law with knowledge of its nature, enforces such claim or assigns it to another, or who is accessory thereto.

§ 296. The penalty for an extortionate bargain shall be fines or imprisonment for a term not exceeding two years or both.

If the act is committed habitually or the offender has previously been convicted of an extortionate bargain, or if there are other especially aggravating circumstances, imprisonment for a term not exceeding five years may be imposed and fines in connection with the sentence of imprisonment.

§ 297. (Repealed by Act of 11 May 1952 No. 2.)

§ 298. Any person who makes a living by gambling which is not permitted by a special Act, or by inducement thereto, shall be liable to imprisonment for a term not exceeding one year.

Instead of confiscating the profit gained the court may decide that it shall be repaid.

§ 299. All games for money or money's worth in which the nature of the game or the sums at stake indicate that gain is the dominant purpose shall be regarded as gambling.

Betting and speculation in futures under the same conditions shall also be regarded as gambling.

§ 300. Any person shall be liable to fines who, by taking legal action or by any threat thereof or of some kind of harm, attempts to enforce either against the other party or a third person an invalid claim which he has acquired by misusing, for the purpose of gain, the carelessness or inexperience of any person who is without legal capacity or a minor, or who is accessory thereto. If the offender has obtained a promissory note or promise under oath or a word of honour for his claim, he shall be liable to fines or imprisonment for a term not exceeding six months.

Chapter 30. Maritime felonies

§ 301. Any person who goes on board a ship or conceals himself there for the purpose of unlawfully accompanying the ship to or from a foreign port or to a fishing or hunting ground outside the realm shall be liable to fines or imprisonment for a term not exceeding six months.

An accomplice shall be liable to the same penalty. The penalty will be fines or imprisonment for a term not exceeding one year if the accomplice is employed on the ship or in some other way has by virtue of his position access to the ship or parts of it. The same applies if the accomplice has acted for the purpose of obtaining remuneration for himself or another person.

§ 302-303. (Repealed by Act of 15 February 1963 No. 2.)

§ 304. If any shipmaster goes to sea in an unseaworthy ship or a ship that is detained pursuant to sections 24 and 34 of the Act of 9 June 1903 relating to public control of the seaworthiness of ships, or makes preparations that clearly reveal that this is his intention, he shall be liable to imprisonment for a term not exceeding three years.

The same penalty shall apply to any shipowner or any person acting on his behalf, or chief engineer or first mate who unlawfully causes an unseaworthy ship to go to sea or the making of preparations that clearly reveal that this is his intention, or who is accessory thereto. Failure to prevent the ship from going to sea shall also be regarded as complicity.

§ 305. Any person who causes an obviously unnecessary public inquiry into the seaworthiness of a ship to be made, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding six months, but not exceeding one year if there are especially aggravating circumstances.

§ 306. If a ship departing from shore leaves behind any person carried thereon without valid reason or without observing the procedure prescribed or authorized by law, the offender shall be liable to fines or imprisonment for a term not exceeding six months, but not exceeding one year if there are especially aggravating circumstances.

§ 307. Any shipmaster who refuses to provide any person carried on the ship with anything which he is entitled to receive in such capacity, or who permits such refusal, shall be liable to fines or imprisonment for a term not exceeding six months, but not exceeding one year if there are especially aggravating circumstances.

Any other person concerned who is guilty of such a refusal shall be liable to the same penalty.

§ 308. Any shipmaster or any other person in authority on board a ship shall be liable to fines or imprisonment for a term not exceeding six months if he

1. misuses the powers with which he is legally entrusted, or
2. without just cause refuses to allow a person carried on the ship to apply to a consul or other public authority, or
3. treats a person carried on the ship in an improper manner or fails to prevent his being so treated by other persons on board.

Any member of a disciplinary board who in such capacity acts against his better judgment shall be liable to the same penalty.

§ 309. (Repealed by Act of 15 February 1963 No. 2.)

§ 310. If any subordinate fails to show proper obedience in the ship's service under such circumstances as would endanger the vessel or human life he, and also any person who causes or is accessory to such conduct, shall be liable to imprisonment for a term not exceeding two years.

§ 311. If two or more members of the crew by mutual agreement fail to show proper obedience in the ship's service under such circumstances as would endanger the vessel or human life, they, and any person who causes or is accessory to such conduct, shall be liable to imprisonment for a term not exceeding four years.

§ 312. If two or more persons carried on a ship jointly attempt by violent or threatening conduct or by disobedience unlawfully to deprive the shipmaster of his command of the ship or to compel him to commit or omit any act in the ship's service, they, and any person who causes or is accessory to such conduct, shall be liable to imprisonment for a term not exceeding six years.

§ 313. Any shipmaster who in distress or other danger abandons the ship without this being necessary or who leaves it although his presence is still required shall be liable to imprisonment for a term not exceeding one year.

Any person serving on board who without the permission of the shipmaster leaves the ship in distress or other danger while the master is still on board shall be liable to fines or imprisonment for a term not exceeding six months.

§ 314. Any shipmaster or officer of the watch who in the event of a collision or manoeuvre that endangers any person's life or health fails to render such help as is necessary and as he can give without special danger to his own ship or to persons on board it shall be liable to imprisonment for a term not exceeding three years, but not exceeding six years if the felony results in death or considerable injury to body or health.

If any risk of damage to any object arises through a collision or manoeuvring of a ship, and the shipmaster or officer of the watch fails to render such help as is necessary and can be given without special danger or sacrifice, he shall be liable to fines or imprisonment not exceeding one year if the matter is not punishable under the first paragraph.

§ 315. Any person who makes or permits to be made any false entry in the log-book, minute book for a maritime inquiry, or any record that pursuant to statute or statutory authority shall or may be kept for use as or instead of the said books, or who in such books or records conceals the truth or permits it to be concealed shall be liable to imprisonment for a term not exceeding two years. Under especially extenuating circumstances fines may be imposed.

Any person who fails to do what is prescribed in or authorized by Norwegian law concerning the keeping, safekeeping, or delivery of such books or records, or who in this connection is guilty of gross neglect or disorder shall be liable to fines or imprisonment for a term not exceeding one year.

§ 316. No public prosecution will be instituted for the felonies specified in sections 301 and 305 to 308 except when requested by the aggrieved person unless a prosecution is required in the public interest.

Chapter 31. Receiving the proceeds of a criminal act

§ 317. Any person who receives or obtains for himself or another person any part of the proceeds of a criminal act, or who aids and abets the securing of such proceeds for another person shall be guilty of an offence and shall be liable to fines or imprisonment for a term not exceeding three years. Aiding and abetting shall be deemed to include collecting, storing, concealing, transporting, sending, transferring, converting, disposing of, pledging or mortgaging, or investing the proceeds. Any object, claim or service substituted for the proceeds shall be regarded as equivalent thereto.

Such offence takes place even though no person may be punished for the act from which the proceeds are derived, by reason of the provisions of sections 33 and 46.

An aggravated offence shall be punishable with imprisonment for a term not exceeding six years. In deciding whether an offence is aggravated, special importance shall be attached to what kind of criminal act the proceeds are derived from, the value of the proceeds that the offender has been concerned with, the amount of any advantage the offender has received or obtained for himself or another person, and whether the offender has habitually been engaged in such offences. If the proceeds are derived from a drug offence, importance shall also be attached to the nature and quantity of the substance with which the proceeds are connected.

If the offence is concerned with the proceeds of a drug offence, imprisonment for a term not exceeding 21 years may be imposed under especially aggravating circumstances.

If the offence is committed by negligence, it shall be punishable by fines or imprisonment for a term not exceeding two years.

No penalty pursuant to this section shall, however, be applicable to any person who receives the proceeds for the ordinary maintenance of himself or another person from a person who is obliged to provide such maintenance, or to any person who receives the proceeds as normal payment for ordinary consumer goods, articles for everyday use or services.

§§ 318 to 321. (Repealed by Act of 11 June 1993 No. 76.)

Chapter 32. Felonies in printed matter

(Repealed by Act of 12 December 1958 No. 1.)

PART III MISDEMEANOURS

Chapter 33. Misdemeanours in the civil service

§ 324. Any public servant who intentionally omits to perform an official duty, or who otherwise intentionally violates his official duties, or who, in spite of warnings, shows carelessness or negligence in the performance of such duties shall be liable to fines or loss of office.

The Norwegian legal term for this offence is *heleri*.

Any person who is covered by the Act relating to civil servants shall also come under this section.

§ 325. Any senior State official or public official shall be liable to fines who
1. shows gross lack of judgment in the course of his duty, or
2. performs any act that he is forbidden to do because of his position, or
3. in the performance of his official duty is guilty of improper conduct towards any person, or
4. in connection with his service is guilty of improper conduct towards any of his superiors or subordinates, or
5. outside his service behaves in a manner which will make him unworthy of or will have an adverse effect on the confidence or esteem necessary for his office.

In the case of repeated offences or under especially aggravating circumstances the penalty applicable may be loss of office.

Chapter 34. Misdemeanours against the public authorities

§ 326. Any person shall be liable to fines or imprisonment for a term not exceeding six months who
1. prevents or attempts to prevent any public servant from lawfully performing his duties or refuses to admit him to places he is lawfully entitled to enter, or
2. annoys him in the performance of his duties by insults or other offensive conduct,

or is accessory thereto.

As regards who shall be deemed to be a public servant, the provisions of section 127 shall apply.

§ 327. Any person shall be liable to fines or to detention or imprisonment for a term not exceeding four months who ignores a public servant's request for assistance when this is required to avert a felony or an accident, although such assistance would not involve any special danger or sacrifice, or who prevents another person from rendering such assistance.

Any person who otherwise unjustifiably refuses to assist a public servant shall be liable to fines.

§ 328. Any person shall be liable to fines or imprisonment for a term not exceeding three months who
1. without authority publicly wears or permits any person in his service to wear any uniform prescribed for a public servant or any badge of public office, or any uniform or badge that may easily be mistaken for such.
2. publicly or for an unlawful purpose professes to hold a public office, or is accessory thereto, or
3. performs any act that may only be performed in relation to a public office that he does not hold, or
4. without authority makes use of any Norwegian or foreign official coat of arms, insignia or seal or any coat of arms, insignia or seal which can easily be mistaken for such.

Any person shall be liable to the same penalty who without authority publicly or for an unlawful purpose uses:

a) any designation recognized or commonly used in Norway or abroad of an international organization or any insignia or seal used by an international organization if Norway is a member of the said organization or has by international agreement undertaken to give protection against such use,

b) any badge or designation which by international agreement binding on Norway is designed for use in connection with aid to the wounded and sick or the protection of cultural values in war,

c) any designation, insignia, seal or badge which can easily be mistaken for anything mentioned under litrae a and b.

Any person who otherwise without authority publicly wears or permits any person in his service to wear any badge prescribed or approved by public authorities for the holders of special positions or anything so similar thereto that error may easily arise shall be liable to fines. The same applies to any person who without authority publicly or for an unlawful purpose assumes or uses any Norwegian or foreign title or decoration.

§ 329. Any person shall be liable to fines or imprisonment for a term not exceeding three months who, after an order to disperse peacefully has been issued by the public authorities, remains, or is accessory to any other person remaining, in a crowd gathered in a public street or square or any other place where they are not entitled to stay.

The same penalty shall apply to any person who contravenes the regulations issued by the public authorities for the prevention of danger or the preservation of order in the case of gatherings or meetings of large numbers of people.

§ 330. Any person shall be liable to fines or to detention or imprisonment for a term not exceeding three months who establishes or participates in any association that is prohibited by law, or whose purpose is the commission or encouragement of offences, or whose members pledge themselves to unconditional obedience to any person.

If the purpose of the association is to commit or encourage felonies, imprisonment for a term not exceeding six months may be imposed.

§ 331. (Repealed by Act of 18 August 1914 No. 3.)

§ 332. Any person shall be liable to fines or imprisonment for a term not exceeding three months who without public authorization or permit carries on any activity for which this is required, or who exceeds the limits for the authorization or permit granted him, or continues to carry on an activity to which he has been denied the right by a final judgment.

The same penalty shall apply to any person who carries on any activity for which he falsely claims to have public authorization, or who assumes a title which ordinarily is used only by a person who has such public authorization.

Any person who gives a public performance or the like without a necessary public permit shall be liable to fines.

§ 333. Any person shall be liable to fines or imprisonment for a term not exceeding three months who refuses to state his name, position, or place of residence to a process server, police officer, or any other public authority, when such information is required in the course of public duty, or who in such a case states a false name, position, or place of residence, for himself or another, or who is accessory to such refusal or false statement.

§ 334. Any person who makes a living by receiving lodgers who omits to keep a register of such persons as required by law, or who omits to enter any such person in the register or in a statement required by law in accordance with the regulations in force, or who fails to produce the register at the request of the public authorities, shall be liable to fines.

The same penalty shall apply to any person who causes, or is accessory to causing, no entry concerning him to be made in the register or no statement or report to be given, or the giving of information that is incomplete or incorrect on any point.

§ 335. Any person who makes a living by assisting persons in search of employment to obtain work, or emigrants to obtain a passage abroad, shall be liable to fines if he omits to keep a register of the persons so assisted by him in accordance with rules prescribed by the King, or if he refuses to produce the said register for the public authorities.

§ 336. Any pawnbroker or manager of a pawnshop shall be liable to fines if he contrary to an order given by the public authorities

1. omits to keep a register approved by the police of the objects pawned, with a statement of the full name, position, and place of residence of the pawnor, the amount of the loan and of the interest, and the date of maturity, or
2. unlawfully refuses to surrender any object in his possession in cases in which there is no reason to doubt that it has been taken from someone by a criminal act.

Any pawnbroker or pawnbroker's assistant who makes an incorrect entry in the register or who conceals, or refuses to show to the police, the register or a pawned object, or who gives incorrect or incomplete information concerning it, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

The above provisions shall apply correspondingly to any person who makes a living by purchasing objects subject to a right of redemption or by trading in used objects.

§ 337. Any person who for himself or his children uses names that are contrary to law shall be liable to fines.

§ 338. Any person who enters into a marriage or partnership pursuant to the Act relating to registered partnership without observing the provisions in force concerning the requirements for a valid marriage or the requirements for the registration of a partnership, dispensation or other statutory conditions, or who is accessory thereto, shall be liable to fines.

§ 339. Any person shall be liable to fines who

1. omits to give any report or information required by law to a public authority, or
2. contravenes any regulation issued by a public authority according to law and implying liability to a penalty.

§ 340. Any person who finds a lost or abandoned child or takes in a child who has gone astray, and who omits to notify the persons responsible for the child or the police accordingly as soon as possible, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

§ 341. Any person who contravenes the provisions in force concerning funerals or the treatment of corpses in general shall be liable to fines.

The same penalty shall apply to any person who finds a corpse and fails to notify the relatives of the deceased or the police immediately.

Any person shall be liable to fines or imprisonment for a term not exceeding six months who unlawfully or secretly either destroys the corpse of any deceased person or stillborn child or conceals it so as to preclude timely investigation, or who refuses to tell the public authorities what has become of any child or other helpless person of whom he has been taking care, or who is accessory thereto.

A foetus is to be regarded as stillborn if it is so far developed that it could have sustained independent life if it had been born alive.

§ 342. Any person who after having been expelled from the realm re-enters it without permission shall be liable to imprisonment for a term not exceeding six months, but not exceeding two years if he has previously been convicted of such a misdemeanour.

The same penalty shall apply to any person who by a court judgment has been banished to or from specific parts of the realm and who unlawfully re-enters any place where he is prohibited from staying, or who breaches any prohibition imposed pursuant to section 222 a of the Criminal Procedure Act.

Any person who by deceit or incitement is accessory to any act as aforesaid shall be liable to fines or imprisonment for a term not exceeding six months.

§ 343. Any person shall be liable to fines or imprisonment for a term not exceeding four months who unlawfully destroys, damages, conceals, carries away or disposes of goods that are subject to an execution lien, any incumbrance, arrest or seizure, or who acts against a legally imposed prohibition, or who breaks or damages a seal applied by a public authority, or who is accessory thereto.

Any employer or other person shall be liable to fines if he in spite of an order from a general or special enforcement authority omits to make deductions for claims as specified in section 2-8, first paragraph litrae a to d, of the Creditors' Security Act, or in spite of an order omits to pay sums deducted for such claims as prescribed, provided that the matter does not come under a more severe penal provision.

A public prosecution will only be instituted when requested by the aggrieved person.

§ 344. Any person who, after having been dispossessed by a court decision of real property or a ship, refuses to leave it or again takes possession of it, or who continues to exercise a right of which he has been deprived by a final judgment, or who is accessory to any such misdemeanour, shall be liable to fines or imprisonment for a term not exceeding three months. Any person who continues to exercise a right of which he has been deprived may on conviction be ordered to provide such security as is required by section 13-14 of the Enforcement Act.

A public prosecution will only be instituted when requested by the aggrieved person.

§ 345. Any person who causes or is accessory to causing official notices which have been posted up, laid out or distributed to be unlawfully destroyed, removed, rendered illegible or soiled, or the delaying of official messages, shall be liable to fines or under especially aggravating circumstances or in cases of repeated offences to imprisonment for a term not exceeding four months.

§ 346. Any person who illegally contacts a person confined in a prison, workhouse, reformatory, mental hospital, or any other officially approved institution, or who obtains any kind of object for him, or is accessory thereto, shall be liable to fines.

Any person who causes or is accessory to causing a person to escape or to be unlawfully removed from any institution or other place to which he has been brought by the public authorities shall be liable to fines or imprisonment for a term not exceeding three months.

Chapter 35. Misdemeanours against the general peace and order

§ 347. Any superior who intentionally fails to prevent the commission of any misdemeanour in his service, as far as he is able to do so, shall be liable to fines.

§ 348. Any person who contravenes the provisions in force concerning peace and order on public holidays shall be liable to fines.

§ 349. Any person who by groundless cries for help, misuse of distress signals or the like wilfully or negligently causes fear among a large number of people, crowding together or a turn-out of the police, the fire service, an ambulance, a medical practitioner or the armed forces, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who gives false information that is likely to cause fear for any person's life or health or general bitterness or to endanger public peace and order, or who against his better judgment or without reasonable grounds for regarding a rumour as true publicly spreads a false rumour that is likely to produce such an effect, or is accessory thereto.

§ 349 a. Any person who in an occupational or similar activity refuses any person goods or services on the same conditions as apply to others, because of his religion, race, colour of his skin, national or ethnic origin, shall be liable to fines or imprisonment for a term not exceeding six months. The same penalty shall apply to any person who in any such activity refuses a person goods or services as mentioned because of his homosexual bent, life-style, or inclination.

The same penalty shall apply to any person who for any such reason as is mentioned in the first paragraph refuses a person admission to a public performance or exhibition or other public gathering on the same conditions as apply to others.

The same penalty shall also apply to any person who incites or is in any other way accessory to any act mentioned in the first or the second paragraph.

§ 350. Any person who by fighting, shouting, offensive behaviour or other improper conduct disturbs public peace and order or lawful passage, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding two months.

The same penalty shall apply to any person who by shouting, noise or in any other way without just cause disturbs the nocturnal peace of the neighbourhood, or who by such conduct in a place where he remains though not entitled to do so and in spite of a request to leave causes the neighbourhood fear and disturbance, or is accessory thereto.

A public prosecution in the case referred to in the second paragraph will only be instituted when requested by the aggrieved person.

§ 351. Any person shall be liable to fines or imprisonment for a term not exceeding three months who

1. by careless driving, riding, sledging, or sailing, or
2. by careless depositing of objects, or
3. by throwing stones, or placing of obstacles, or setting up traps, or
4. by neglecting to fence in or to cover a well, excavation or cavity in a secure manner, or
5. by neglecting to maintain a building, road, bridge or handrail, or
6. by failing to carry out prescribed safety measures, or
7. by omitting to repair or report any damage that he himself has caused,

or by other similar conduct causes danger to traffic in a public place, or is accessory thereto.

Any person who in such manner as is mentioned above causes danger to the traffic in a place that provides lawful entrance to a farm, house or apartment, or to the traffic in a courtyard or garden or similar place to which a number of people have common access, shall be liable to fines.

§ 352. Any person who in the manufacture, use, storage, or handling of explosives, firearms, machines, steam boilers, electric wires, or similar objects is guilty of careless conduct likely to endanger the life or health of others, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months. If the offence consists in firing live ammunition from firearms or in detonating, igniting or otherwise using an explosive substance, imprisonment for a term not exceeding one year may be imposed.

Any person who by careless handling of fire or inflammable materials causes danger of fire, or is accessory thereto, or who contravenes any provisions made in or pursuant to a statute for the prevention of fires or explosions or the like shall be liable to fines or imprisonment for a term not exceeding three months.

§ 352 a. Any person shall be liable to fines or imprisonment for a term not exceeding three months who wilfully or through gross negligence carries in a public place a knife or similar sharp instrument that may be used to inflict bodily injuries. An accomplice shall be liable to the same penalty. This prohibition shall not apply to a knife or other instrument that is used for or carried in connection with work, outdoor life or any other respectable purpose.

§ 353. Any person who enters any place to which access is prohibited by the public authorities, or who is accessory thereto, shall be liable to fines.

§ 354. Any person shall be liable to fines or imprisonment for a term not exceeding three months who causes danger

1. by neglecting his duty to watch over an insane person or by omitting to report to the police that an insane person who is in his care or custody has escaped,
2. by unlawfully exciting, teasing or frightening animals, or by being accessory thereto,
3. by unlawfully keeping dangerous animals or by not ensuring in a proper manner that dangerous animals in his possession are rendered harmless, or
4. in the event of a dangerous animal escaping from him, by omitting to report this to the police and otherwise to do everything in his power to prevent an accident.

If a dog attacks a person or by noise or in some other manner causes considerable nuisance, the owner of the dog shall be liable to fines unless it must be assumed that he cannot be blamed for this. If after the dog has attacked someone it still runs loose despite complaints to the owner, or if considerable nuisance continues to be caused despite such complaints, a request may be made for the dog to be killed. Such a request constitutes special grounds for enforcement to be executed by the enforcement authorities pursuant to the provisions of chapter 13 of the Enforcement Act.

A public prosecution in the cases referred to in the foregoing paragraph will only be instituted when requested by the aggrieved person.

§ 355. Any person who unlawfully sneaks into or despite a prohibition forces his way into a building, vessel, railway carriage, motor vehicle or aircraft or any room therein or any other closed place, or who despite a request to depart unlawfully remains in any such place, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who unlawfully stays in a place that is in the possession of another person and who remains there despite a request to depart shall be liable to fines.

A public prosecution will only be instituted when requested by the aggrieved person, or when it is required in the public interest.

§ 356. Any person who without a request from the proper person makes or disposes of a key to a lock belonging to another person, or who makes or delivers a picklock to any person who has no lawful use for it, or who is accessory thereto, shall be liable to fines.

If he has acted on the presumption that a criminal act was intended, imprisonment for a term not exceeding six months may be imposed.

Chapter 36. Misdemeanours against public health

§ 357. Any person who contravenes the regulations prescribed by or pursuant to statute in the realm for the prevention or combating of contagious diseases or for the protection of public health shall be liable to fines or imprisonment for a term not exceeding three months.

§ 358. Any person shall be liable to fines or imprisonment for a term not exceeding six months who, without calling attention to the danger of contagion,

1. places in care a child whom he knows or presumes to be suffering from a contagious, syphilitic disease, or who engages any person to nurse such a child, or
2. with the knowledge or presumption that he is suffering from a contagious, syphilitic disease enters into service in another person's household or remains in such service or receives another person's child to nurse, or who is accessory thereto.

The same penalty shall apply to any person who engages or retains any person whom he knows or presumes to be suffering from a contagious, syphilitic disease to nurse a child, or who is accessory thereto.

§ 359. Any person shall be liable to fines or imprisonment for a term not exceeding three months who intentionally or negligently offers for sale

1. as foodstuffs for humans or animals or as stimulants objects injurious to health because of adulteration, unripeness, decay, defective preparation, mode of conservation or for other reasons, or
2. garments, fabrics, wall-paper, toys, utensils or tools designed for the preparation or preservation of foodstuffs, or similar objects containing substances that make them injurious to health.

The same penalty shall apply to any person who in his trade manufactures or produces such objects.

§ 360. Any person who intentionally or negligently offers for sale or disposes of any medicine which because of inferior ingredients, incorrect manufacture or for similar reasons is injurious to health or does not to the proper degree possess the qualities pertaining to that medicine shall be liable to fines or imprisonment for a term not exceeding four months.

§ 361. Any person who contravenes the regulations issued in the realm concerning the manufacture, distribution, or storing of medicines, poison or other substances injurious to health shall be liable to fines.

§ 362. Any person shall be liable to fines who intentionally or negligently

1. offers for sale as genuine and unadulterated any foodstuff for humans or animals or any stimulant which is counterfeited or diminished in value by the removal of any essential element or by the addition of any foreign substance, or

2. manufactures any such foodstuff or stimulant or substance designed for the manufacture thereof for the purpose of offering it or letting it be offered for sale as genuine and unadulterated.

§ 363. Any person who offers for sale artificially produced foodstuffs for humans or animals or stimulants under names or descriptions which in commerce are used only for the natural products, or natural foodstuffs or stimulants under names or descriptions which in commerce are used only for other kinds of products shall be liable to fines.

§ 364. Any person who uses any means or method by which another person with his consent is put into a state of hypnosis or helplessness, unconsciousness or a similar state shall be liable to fines or imprisonment for a term not exceeding three months.

This provision shall not prevent a medical practitioner or a psychologist from putting a person into such a state for scientific purposes or for the treatment of illness.

§ 365. Any person who contravenes the regulations lawfully issued in the realm for the protection of health or safety in factories, mines, on railways or ships, in theatres, at acrobatic performances or the like, at inns or other meeting places shall be liable to fines or imprisonment for a term not exceeding three months.

§ 366. (Repealed by Act of 26 January 1973 No. 2.)

Chapter 37. Misdemeanours against public confidence

§ 367. Any person who counterfeits or without proper authorization manufactures money current in Norway or abroad or any document of the kind mentioned in section 178 or any tool or other object which appears to be designed for the manufacture thereof, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

§ 368. Any person who without proper authorization manufactures any Norwegian or foreign official seal, stamp, or mark, stamped paper, revenue stamp, postage stamp or the like, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

§ 369. Any person who distributes among the public any object that so closely resembles any Norwegian or foreign coin, banknote, revenue stamp, postage stamp, or any document of the kind mentioned in section 178 that they may easily be confused, or who is accessory thereto, shall be liable to fines.

§ 370. Any person who publishes or otherwise disseminates incorrect statements about any object offered for sale as regards its composition or industrial patents and protective rights, or prizes awarded to it, or who publishes or disseminates descriptions or statements which are likely to mislead people, shall be liable to fines. The same penalty shall apply to any person who on any object designed to be offered for sale or its packaging unlawfully places any label that may give the impression that the object enjoys industrial patents or protective rights, or who offers for sale any object so labelled.

§ 371. Any person who with unlawful intent publishes or otherwise uses as genuine or undistorted any counterfeit or distorted statement, written or printed, which appears to have originated direct from a particular person, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will only be instituted when requested by the aggrieved person or when it is required in the public interest.

§ 372. Any person who, in order to mislead others concerning circumstances of significance for legal relations or for the commission of acts in law, issues a written attestation that contains untruths shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who, for the purpose of obtaining an advantage for himself or another or injuring any person, falsely represents himself or another as the person referred to in an attestation, passport or similar document of identification, or who otherwise makes use of such a document, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding five months.

Any person who delivers to another person a document of identification issued to himself, although he knows or ought to know that it will be used unlawfully, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

§ 373. Any person shall be liable to fines or imprisonment for a term not exceeding three months who in the administration of an estate or in an enterprise in which decisions are made by a majority vote

1. unjustly offers or does any person a special favour, or receives for himself or another any such favour or promise thereof for voting in a certain way,
2. fraudulently gains access to unauthorized participation in voting or to casting more votes than he is entitled to, or who is accessory thereto, or
3. causes the result of a vote to be distorted, or is accessory thereto.

§ 374. (Repealed by Act of 21 December 1979 No. 73.)

§ 375. Any person who is guilty of illegally stamping articles of gold, silver or other metals, or who offers for sale illegally stamped metal-work, shall be liable to fines or imprisonment for a term not exceeding six months.

Chapter 38. Misdemeanours against public morals

§ 376. Any person who offends against decency in a public place by oral or written remarks, exhibitions, depictions, indecent exposure or other indecent conduct, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

§ 377. Any person who publicly exhibits or displays any object whose public exhibition or display is offensive to modesty because of its purpose shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who by public announcement or by door-to-door sale offers any such object to the public, or who publicly urges or counsels the use thereof shall be liable to the same penalty.

§ 378. Any person who by words, signs or indecent behaviour in a public place or in any manner that is likely to cause public indignation unmistakably urges or invites any indecency, or who by public announcement invites an indecent relationship, or is accessory thereto, shall be liable to imprisonment for a term not exceeding three months. In the case of repeated offences imprisonment for a term not exceeding six months may be imposed.

Under extenuating circumstances fines may be imposed.

§ 379. (Repealed by Act of 21 April 1972 No. 18.)

§ 380. Any person who by misuse of authority or by neglect of his duty to care for another exposes a subordinate or a person belonging to his household to relationships that are obviously dangerous to morals or honesty shall be liable to fines or imprisonment for a term not exceeding three months.

§ 381. Any person shall be liable to fines or imprisonment for a term not exceeding three months who

1. employs a child under 16 years of age as a waiter or assistant waiter in a place where intoxicating beverages are served, or
2. despite official prohibition employs a woman under 21 years of age to serve in such a place, or
3. employs a person between 16 and 18 years of age as a waiter or the like at a place where the serving of intoxicating beverages is the main source of income, or
4. without official permission employs children under 16 years of age to take part in public performances or exhibitions or leaves a child with another person for such a purpose, or
5. during public performances or for the purpose of preparing for such performances undertakes or allows another to undertake dangerous or unnatural bodily exercises with a child under 16 years of age or leaves a child with another person for such a purpose.

§ 382. Any person who in the course of his trade issues or offers for sale or hire any film or videogram in which improper use has been made of scenes of gross violence for entertainment purposes shall be liable to fines or imprisonment for a term not exceeding six months.

The same penalty shall apply to any person who makes such use of scenes of gross violence in any television transmission or in the relaying of such transmission in the realm. Criminal liability shall not, however, apply to any person who has only participated in the technical activity connected with such transmission or relaying.

Accomplices shall be liable to the same penalty. The same penalty shall apply to negligent as to intentional offences.

This section shall not apply to any film or videogram that the National Board of Film Censors has by prior control approved for commercial exhibition or sale.

§ 383. Any person who in a public place arranges or provides accommodation for gambling shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who in such a place participates in gambling shall be liable to fines.

The court may decide that the winnings shall be repaid rather than confiscated.

The premises of a closed association may also be regarded as a public place if gambling is part of the purpose of the association or if any person or any person of a certain status, occupation or the like may generally be admitted, or if a special fee is paid for participation in the gambling.

Chapter 39. Misdemeanours against persons

§ 384. Any person who participates in, or is accessory to, a fight in which a person's death or serious injury to body or health is caused shall be liable to fines or imprisonment for a term not exceeding six months. He shall not, however, be liable to any penalty if it is shown to be probable that he was drawn into the fight against his will or that he intervened in it in order to protect another person from injury or to bring the fight to an end.

§ 385. Any person who uses a knife or any other especially dangerous implement in a fight shall be liable to fines or imprisonment for a term not exceeding three months.

§ 386. (Repealed by Act of 25 February 1972 No. 3.)

§ 387. Any person shall be liable to fines or imprisonment for a term not exceeding three months who, although it was possible for him to do so without special danger or sacrifice on the part of himself or others, omits

1. to help according to his ability any person whose life is in obvious and imminent danger, or
2. to prevent, by timely report to the proper authorities or otherwise according to his ability, fire, flood, explosion or any similar accident which may endanger human life.

If any person dies because of the misdemeanour, imprisonment for a term not exceeding six months may be imposed.

§ 388. Parents, heads of rural households, and other persons in similar positions who fail to render any woman belonging to their household such assistance as is required in pregnancy or childbirth, with the result that she is placed in a state of distress or helplessness in which she commits a felony aimed at the life of the foetus or the child, or by which the said life is endangered, shall be liable to fines or imprisonment for a term not exceeding three months.

§ 389. If the persons mentioned in the foregoing section, knowing or definitely presuming that any woman belonging to their household is concealing her pregnancy, fail to take the matter up with her and thereby contribute to her committing any such felony as is mentioned in the foregoing section, they shall be liable to fines or imprisonment for a term not exceeding three months.

§ 390. Any person who violates another person's privacy by giving public information about personal or domestic relations shall be liable to fines or imprisonment for a term not exceeding three months.

Sections 250 and 254 shall apply correspondingly.

If the misdemeanour is committed in a printed publication, an order for confiscation may be made in accordance with section 38.

A public prosecution will only be instituted when it is requested by the aggrieved person and required in the public interest.

§ 390 a. Any person who by frightening or annoying behaviour or other inconsiderate conduct violates another person's right to be left in peace, or is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will only be instituted when it is requested by the aggrieved person and required in the public interest.

§ 390 b. Any person who carries out television surveillance of any public place or workplace without giving clear warning by a notice or in some other way that the place is under surveillance shall be liable to fines. Television surveillance means continuous or regularly repeated surveillance of persons by means of a remotely controlled or automatically operating television camera, photographic apparatus or similar apparatus.

An accomplice shall be liable to the same penalty.

Chapter 40. Misdemeanours against property rights

§ 391. Any person who commits or is accessory to vandalism as mentioned in section 291 shall be liable to fines or imprisonment for a term not exceeding three months if only minor damage is caused, but in cases of repeated offences to fines or imprisonment for a term not exceeding six months.

Any person who soils or defaces any object, or is accessory thereto, shall be liable to the same penalty.

Any person who commits vandalism of the kind mentioned in section 292 through negligence shall be liable to fines or imprisonment for a term not exceeding three months, but not exceeding six months if gross negligence is shown or the damage is caused to a boundary mark on the border of a neighbouring State.

§ 391 a. Any person who commits or is accessory to committing theft or embezzlement shall be guilty of pilfering when his guilt must be regarded as minor because of the insignificant value of the objects appropriated and other circumstances.

The penalty for pilfering shall be fines or imprisonment for a term not exceeding six months.

If the offender has previously been sentenced to imprisonment for pilfering or for any felony referred to in chapters 17, 18, 24, 25, 26, 27 or in sections 88, first paragraph, 143, second paragraph, 147, 206, 217 or 318, the penalty may be increased by 50 per cent.

Any person who commits or is accessory to committing fraud or receives or is accessory to receiving (317) under such circumstances as are mentioned in the first paragraph shall be liable to the same penalty.

§ 392. Any person who unlawfully puts himself or another person in possession of any movable object, or who is accessory thereto, shall be liable to fines but, if the value of the object exceeds 10 kroner, by fines or imprisonment for a term not exceeding three months.

If the offender has acted with the intention of asserting a genuine or supposed right, no penalty higher than fines shall be imposed. Under especially extenuating circumstances, a penalty may be remitted.

§ 393. Any person who unlawfully uses or disposes of a movable object belonging to another person so that the rightful owner thereby suffers loss or inconvenience, or who is accessory thereto, shall be liable to fines.

§ 394. Any person who illegally appropriates lost property shall be liable to fines or imprisonment for a term not exceeding six months.

Any person who illegally fails to report an object found to the police or to deliver it to the police or other persons who are legally authorized to take care of it shall be liable to fines.

Under especially extenuating circumstances a penalty pursuant to the first or second paragraph may be remitted.

§ 395. Any person who unlawfully puts himself or another person in possession of real property, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 392, second paragraph, shall apply correspondingly.

§ 396. Any person who without being entitled to do so builds, digs, uses explosives, sows or plants on, builds a road or footpath across, or drives livestock onto land in another person's possession, or who unlawfully makes other dispositions of real property in another person's possession to the detriment of the lawful possessor or contrary to his prohibition, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

If any boundary mark is obliterated by any such dispositions, imprisonment for a term not exceeding six months may be imposed.

§ 397. Any person who exceeds his rights in relation to the corresponding rights of another person by exercising his right to dispose of real property to a greater extent or in another manner than is lawful, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

§ 398. Any person shall be liable to fines or imprisonment for a term not exceeding three months who
1. unlawfully contaminates or shuts off running water or alters its course or quantity to the detriment of another person or to the improper obstruction of general traffic or floatage, or who is accessory thereto.

§ 399. Any person shall be liable to fines or imprisonment for a term not exceeding three months who commits any act punishable pursuant to sections 255, 257 or 391 a with regard to
1. stones, sand, clay, earth, fertilizer, minerals, peat, moss, heather, flowers, bushes, twigs, leaves, bark, pine needles, dead trees or branches, waste wood, unharvested or fallen crops or fruit in a forest, field or meadow, or
2. seaweed, wild oysters or mussels in the water or on the beach.

In the case of repeated offences or when the object is of more substantial value, imprisonment for a term not exceeding six months may be imposed.

§ 400. Any person who in an unfenced place picks wild nuts, which are consumed on the spot, or wild berries, mushrooms, or flowers, or pulls up the roots of wild herbs, shall not be liable to a penalty.

This provision shall not apply to any person who picks cloudberries in the cloudberry fields in the diocese of Tromsø either contrary to the owner's express prohibition or without consuming them on the spot.

§ 401. Any person who for the purpose of obtaining an unlawful gain for himself or another person seeks to restrain or prevent other persons from bidding at a public sale or purchase by spreading false notions, by gifts or similar conduct, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding four months.

§ 402. Any person shall be liable to fines or imprisonment for a term not exceeding three months who, while concealing that he is unable to pay or to provide security, resides or enjoys meals, beverages or the like at hotels, hostels, inns, boarding houses, restaurants or other such places where it is assumed that the bill will be paid before departure or moving, or who makes use of another person's work or chattels under conditions where the same assumption applies, or who is accessory thereto.

The same penalty shall apply to any person who in any such case as is mentioned above unlawfully departs without paying or providing security, although he is able to do so, or who is accessory thereto.

In cases of repeated offences imprisonment for a term not exceeding one year may be imposed.

A penalty pursuant to this section shall not be applicable to any act that comes under section 270 or 271.

§ 403. Any person who without paying the fixed fee fraudulently attempts to obtain admission to any performance, exhibition, or assembly in a closed room, or to travel on a ship, railway or the like, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

§ 404. Any person who, though prohibited from doing so, mixes with his own means any money or securities belonging to another which have been entrusted to him for management or safekeeping, or who otherwise acts contrary to lawfully prescribed rules, shall be liable to fines or imprisonment for a term not exceeding six months.

§ 405. Any person who, in cases where the price of a commodity or the remuneration for work or services rendered is lawfully fixed by some public authority, demands or receives a payment higher than that prescribed shall be liable to fines, but in the case of repeated offences to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who in any agreement stipulates for himself an advantage which it is prohibited to include in a contract.

§ 405 a. Any person who unfairly obtains or attempts to obtain knowledge or control of a trade secret shall be liable to fines or imprisonment for a term not exceeding three months.

§ 405 b. If any person who is employed by or acts as attorney for another without the latter's knowledge demands or receives a gift or any other advantage or promise thereof from a tradesman or any person on his behalf in order to give or procure for the said tradesman an unjustified advantage in regard to the supply of goods, work, or other services, he shall be liable to fines or imprisonment for a term not exceeding three months.

§ 406. Any person who by unlawful acts attempts on his own or another's behalf to evade public taxes or duties shall, if no more severe penalty is provided, be liable to fines or in the case of repeated offences to fines or imprisonment for a term not exceeding four months.

Section 34 shall apply to all such cases to the effect that the amount shall accrue to the public treasury to which the tax or duty should have been paid.

Such acts committed against foreign States may, subject to reciprocity, be punished by fines pursuant to further provisions to be made by the King.

§ 407. Any person who violates the rights of others by fishing, hunting, trapping, catching or killing animals not owned by anyone shall be liable to fines.

§ 408. The misdemeanours referred to in sections 391 a, 395, 396, 398, 402, 403, 404, 405 a, 405 b and 407 shall not be subject to public prosecution except when requested by an aggrieved person.

Misdemeanours pursuant to section 391 a, section 398 pertaining to running water, and section 404 shall, however, always be subject to public prosecution when so required in the public interest.

The misdemeanours referred to in sections 391, 392, 393, 397 and 399 shall not be subject to public prosecution unless it is requested by an aggrieved person and required in the public interest.

Chapter 41. Misdemeanours pertaining to private employment

§ 409. Any person who without lawful or acceptable reasons fails to enter or leaves any employment which he has undertaken, or who is accessory thereto, shall be liable to fines.

If any advance payment was received without being earned or repaid, or if there are other especially aggravating circumstances, imprisonment for a term not exceeding three months may be imposed.

§ 410. Any person who unlawfully refuses to receive any person into or discharges any person from his service shall be liable to fines.

§ 411. Any person who unlawfully denies any person in his service admission to his abode or expels him from it and thus exposes him to danger or special embarrassment shall be liable to fines or imprisonment for a term not exceeding three months.

If there was lawful reason for terminating the employment without notice, but the denial of admission or expulsion must be regarded as highly unreasonable under the circumstances, fines may be imposed.

§ 412. If an employee fails in his duty by unlawful absence or by refusal to perform the work incumbent on him, or if an employee who is living in his employer's household otherwise exhibits specially poor conduct, he shall be liable to fines.

The same penalty shall apply to any employer who refuses to pay the employee the wages or other benefits due at the proper time, or who omits to give him such testimonial as he is entitled to by law, or who is otherwise guilty of specially poor conduct towards an employee living in his household.

§ 413. The misdemeanours mentioned in this chapter shall not be subject to public prosecution except when requested by an aggrieved person.

Chapter 42. Maritime misdemeanours

§ 414. If any person contravenes any Norwegian statutory provision concerning the medical examination and signing on of seamen, the articles of agreement and account book, reporting to, appearance before, or production of documents to any authority for maritime purposes, or concerning any duty to give information to any such authority, or concerning the holding of a maritime inquiry or other recording of evidence, he shall be liable to fines or imprisonment for a term not exceeding three months.

§ 415. Any shipmaster or mate on watch who in the case of a collision fails to inform the master of the other vessel or any other person concerned therewith of the name and home port of his own ship, its port of destination and the port from which it has come, shall be liable to fines or imprisonment for a term not exceeding three months. He shall be liable to the same penalty if he without reasonable grounds fails to give the said information when the ship otherwise in its manoeuvres causes damage to another vessel or to persons or goods carried thereon.

§ 416. Any shipmaster or owner who infringes any Norwegian statutory provision for securing the seaworthiness of the ship or for protecting the safety or interests of those on board shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who causes or is accessory to any such misdemeanours.

§ 417. A shipmaster of a Norwegian ship shall be liable to fines or imprisonment for a term not exceeding three months if he

1. fails to observe any regulation prescribed by or pursuant to statute when a felony is committed by any person carried on the ship, or
2. without just cause refuses to receive on board persons for whom Norwegian authorities must provide transportation, or
3. fails to comply with any decision made by the proper authority in any dispute between him and any of his subordinates which is finally or temporarily binding on him.

§ 418. Any person shall be liable to fines who wilfully or negligently

1. contravenes any regulation issued pursuant to section 370, items 1 and 2, of the Maritime Act,
2. contravenes regulations issued by the King concerning shipping in Norwegian territorial waters, or
3. during navigation so acts that the vessel causes or is exposed to danger or damage.

If there are aggravating circumstances, the penalty shall be fines or imprisonment for a term not exceeding three months.

§ 419. Any person shall be liable to fines who

1. fails to observe any Norwegian statutory provision concerning the registration or marking of ships or other vessels or concerning the duty to have insurance or concerning a prohibition against the use of vessels that are not registered, marked or insured, or concerning the posting of notices on board, or
2. unlawfully places, removes, alters or conceals nationality or registration marks on a registered ship,
3. fails to comply with an order from the Ministry to appoint a representative or managing shipowner in cases mentioned in section 3 of the Maritime Act.

The same penalty shall apply to any person who contravenes any Norwegian statutory provision concerning a duty to have available on board ship's papers and a copy of laws, regulations, and wages agreements.

§ 420. Any person who fails to observe any Norwegian statutory provision concerning the tonnage measurement of vessels shall be liable to fines.

§ 421. Any person who wilfully fails to take up or abandons or fails to return to his duties on board a ship shall be liable to fines or imprisonment for a term not exceeding three months.

When the offender ought to understand that considerable financial loss will be caused or that the ship will be endangered, the penalty shall be fines or imprisonment for a term not exceeding six months.

Public prosecution of a misdemeanour mentioned in the first paragraph will only be instituted when requested by the aggrieved person.

§ 422. Any shipmaster, engineer, mate, steward, telegraphist, ship's electrician or pilot who is guilty of gross or repeated negligence in his duties shall be liable to fines or imprisonment for a term not exceeding three months.

Any shipmaster, engineer, mate, steward, telegraphist, ship's electrician or pilot who wilfully or negligently becomes intoxicated while on duty or about to go on duty shall be liable to fines or imprisonment for a term not exceeding one year.

§ 423. Any shipmaster who unlawfully carries freight between places on the Norwegian coast shall be liable to fines or imprisonment for a term not exceeding three months.

Any shipmaster who unlawfully carries a Norwegian flag or any other mark of Norwegian nationality, or who in Norwegian waters carries any flag or mark of nationality to which he is not entitled shall be liable to fines or imprisonment for a term not exceeding one year.

§ 424. Any person who unlawfully serves on board a ship without having the qualifications for the position or the age or length of service prescribed by law shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any shipowner or shipmaster who unlawfully employs any person in any position on board.

§ 425. Any shipmaster who without just cause commits or allows another person to commit any act whereby the ship or its cargo is exposed to capture or seizure shall be liable to fines or imprisonment for a term not exceeding six months.

The same penalty shall apply to any person carried on the ship who without the permission of the shipmaster commits any act mentioned in the first paragraph.

A public prosecution will only be instituted when requested by the aggrieved person.

§ 425 a. Any person who wilfully or negligently takes a vessel unlawfully into a zone established to protect temporary or permanent installations or facilities for the exploration of or exploitation, storage or transport of submarine natural resources shall be liable to fines or imprisonment for a term not exceeding three months.

§ 426. Any subordinate on board a Norwegian ship shall be liable to fines or, under especially aggravating circumstances, to imprisonment for a term not exceeding three months who

1. fails to report for duty at the proper time, wrongfully leaves the vessel or fails to return at the proper time after having been ashore,
2. fails to report his absence when he is prevented from coming on board at the proper time,
3. causes damage or danger by neglect of duty,
4. is drunk on duty,
5. wastes provisions or handles them in some other improper manner,
6. lets an unauthorized person remain in hiding on board or lets any person come on board contrary to a prohibition,
7. unlawfully brings intoxicating beverages or anything else on board,
8. shows improper conduct towards a superior or fails to comply with orders received in the course of his duties, or
9. engages in a fight or in any other way breaches the rules of order on board.

A public prosecution will only be instituted when requested by the shipmaster or shipowner.

§ 427. Any person who wilfully or negligently contravenes a regulation or specific decision made pursuant to Act of 9 June 1903 No. 7, chapter eleven, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding four months or both.

Chapter 43. Misdemeanours in printed matter

§ 428. Any person who omits to state his name or firm and the place of printing on any publication printed by him - with the exception of ballot papers, price lists, forms and the like - or who makes an incorrect statement shall be liable to fines.

§ 429. If in a newspaper or periodical it is not stated who the editor is, the editor and the publisher shall be liable to fines.

If a person other than the real editor is named, both the latter and the publisher shall be liable to fines or imprisonment for a term not exceeding three months. The same penalty shall also apply to the person incorrectly named as editor if such naming has been done with his consent.

§ 430. The editor of a newspaper or periodical shall be liable to fines if he refuses to print unaltered a correction of a statement of a factual nature in the newspaper or periodical if this is requested within one year by any person whom the statement directly concerns and the correction is limited to a statement of a factual nature and does not contain anything of a criminal nature. The editor can, moreover, be enjoined, by means of a continuous fine, to print the correction.

A refusal is deemed to have been made if the correction is not published in the first or second issue of a newspaper, or the first issue of a periodical which was not ready for printing when the correction was requested, in as prominent a place as the statement to be corrected and generally made up in such a way as is required by good press usage.

A public prosecution will only be instituted when requested by the aggrieved person.

§ 430 a. The editor shall be liable to fines if he, although his newspaper or periodical has published or quoted a defamatory statement which has resulted in a penalty, a declaration that the statement is null and void, or a formal compromise, fails at the request of the aggrieved person to publish the conclusion of the judgment, the grounds of judgment, or the formal compromise free of charge and in a prominent place in the newspaper or periodical. Publication shall take place within a week after the transcript has been received or, if this is not possible, in the first issue subsequently published. The request for publication must be made within one year after the judgment or formal compromise. If the publication has taken place after the judgment or formal compromise, the request must be made within one year after the publication.

The provisions of section 430, second sentence, shall apply correspondingly.

The above provisions shall apply correspondingly to felonies under section 130.

A public prosecution will only be instituted when requested by the aggrieved person.

§ 431. The editor of a newspaper or periodical shall be liable to fines or imprisonment for a term not exceeding three months if the newspaper or periodical publishes anything for which the editor would have incurred criminal liability pursuant to some other statutory provision if he had known the content. He shall not, however, be liable to a penalty if he establishes that he cannot be blamed as regards checking the content of the publication or supervision, guidance or instruction of his deputy, colleagues or subordinates.

In cases of repeated offences or when there are especially aggravating circumstances, imprisonment for a term not exceeding six months may be imposed. However, no more severe penalty may be imposed than that prescribed in the statutory provision that would have been applicable if the editor had known the content.

In cases of publication through broadcasting these provisions shall apply correspondingly to the head of the broadcasting corporation, the programme director, and the responsible manager of the programme department or regional office.

Concerning prosecution, the rules for prosecution of the offence embodied in the publication or transmission shall apply.

§ 432. Any person shall be liable to fines or imprisonment for a term not exceeding three months who in a printed publication wilfully or through gross negligence reports or is accessory to reporting court proceedings or wilfully reports or is accessory to reporting the proceedings of other public authorities in such a way that the account of what has been said or what has happened appears to be grossly wrong or gravely misleading because of exaggerations, omissions, additions or interpolated remarks or in any other way.

In the case of repeated offences or when there are especially aggravating circumstances imprisonment for a term not exceeding six months may be imposed.

The penalty may be remitted if the report is printed in a newspaper or periodical and is corrected in a prominent place in the newspaper or periodical as soon as possible after the editor has become aware of the true facts. If the offence was unintentional, no penalty shall be applicable.

§ 433. Any person who reprints, offers for sale or hire, or seeks to distribute generally a printed publication which has been declared to be seized or confiscated as contrary to sections 246 to 248, cf. section 252, or section 390, or which has been declared to be seized or confiscated for some other reason less than 15 years previously, shall be liable to fines or imprisonment for a term not exceeding three months.

A prosecution will only be instituted when the public interest so requires.

§ 434. Any person who omits to furnish the local police with a copy of a public newspaper, periodical, or leaflet which he has issued, as soon as distribution or mailing thereof has begun, shall be liable to fines.

This provision shall not apply to publications which deal solely with science, art, or commerce or contain announcements from public authorities.

§ 435. In the cases referred to in section 433, the publication shall always be confiscated in accordance with the provisions of section 38. In the cases referred to in sections 428, 429 and 432 the same may be decided.

Proceedings for confiscation pursuant to the first sentence of the first paragraph shall only be instituted when the public interest so requires.

§ 436. By editor of a newspaper or periodical is meant in this chapter the person who makes the decisions concerning the contents of a publication or a part of it, whether he is described as the editor or the publisher or in some other way.